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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, July 11, 2005, at 2 p.m.

Senate

FRIDAY, JULY 1, 2005

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD BURR, a Senator from the State of North Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer.

Let us pray.

Eternal God, as we prepare to celebrate our Nation's independence, we thank You that we can look to You to meet our needs. You provide our food and drink, our health and strength. You give us the warmth of friendship and the love of family. And when all of these blessings are scarce, You provide us with patience to wait and courage to persevere.

Bless our lawmakers today. Keep them on right paths. Help them to avoid the shortcuts that lead away from Your will. Strengthen their families and keep them from harm.

Lord, give each of us the prudence to foresee the danger ahead and take precautions.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BURR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 1, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BURR, a Senator from the State of North Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BURR thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we are in session for a period of morning business. There are several Senators who have indicated their desire for time today to introduce legislation and to make general statements. There will be a number of statements over the course of the morning and possibly into the early afternoon—in part because we have had such a busy week with legislation on the floor so that people will take advantage of this opportunity today.

Last night we were able to complete both the CAFTA legislation and the Energy and Water appropriations bill. I hesitated a little bit because, by the time we finished here—it was not that long ago, about 9 hours ago. We finished about 1 o'clock in the morning. But we had a very full day, a very productive day yesterday, passing the appropriations bills as well as the legislation that will do a great deal in terms of lowering trade barriers to very important countries, most of which are recently emerged democracies.

Because we were able to finish our work late last night into the wee hours of the morning, we will not have rollcall votes today. When we finish our business today, we will adjourn for our recess and return on Monday, July 11. At that point in time the plans are to take up the Homeland Security appropriations bill. We will have a vote late Monday afternoon—later this morning we will say more about that—in relation to an amendment on the Homeland Security bill.

I do thank all of our Members for their hard work and their assistance over the last week, indeed the last several weeks. In the last week alone, the last 5 days, we were able to initiate the appropriations process and pass three appropriations bills as well as the Central American Free Trade Agreement bill.

It could not have been done without a lot of understanding and participation by both sides of the aisle, including the Republican leadership working with the Democratic leadership very effectively, hand in hand. We had long, late, busy sessions, but they were very

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

productive and we moved America's business forward in a very positive way.

I know several people will have statements over the course of the morning, looking back over the past several weeks, in that we have had a very productive session that delivered to the American people.

CONCERNS ABOUT PRESCRIPTION DRUG ADVERTISING

Mr. FRIST. Mr. President, I would like to make a statement that I regard as a very important one because it reflects what I think is a needed change in behavior that affects health care across America. Let me begin with a few phrases: ''Keep the spark alive,'' ''The healing purple pill,'' ''If a playful moment turns into the right moment you can be ready,'' ''For everyday victories.''

You turn on your TV anytime of the day and that is what you will hear and that is what you will see. These are the advertising tag lines for some of America's best selling and most advertised prescription drugs—in the last several weeks, months and years. We all know them when I read them. Some even have the images that pop up into their minds, because we see them again and again and again and again. We are barraged by them.

I mention this as a physician, because 10 years ago you would not have seen any of that advertising on television. We have heard them on our television sets, we hear them on our favorite radio programs, we see them in newspapers, we see them in magazines. Those who go to NASCAR races see them on the cars. You see them on billboards along the highways. We are barraged with this information. It is called direct-to-consumer advertising. When I was practicing medicine before coming to this body—not that long ago, in 1994—it didn't exist.

This is what direct-to-consumer advertising is. When drug companies, pharmaceutical companies, market their products, the marketing used to be done to physicians who could accumulate that information and help patients make decisions. But the direct-to-consumer goes over the heads of physicians with this advertising, direct to the American people, direct to the consumer. It is called direct-to-consumer advertising, or DTC is the terminology people use.

It is a two-edged sword. Obviously there can be huge health education benefits to such advertising because you are exposed to it, you are barraged with it, and information is provided, information to which you might not otherwise have access. But let there be no mistake, drug advertisements are fuel to America's skyrocketing prescription drug cost. It is a two-edged sword. The advertising is new over the last 10 years. Now it is time to assess the efficacy of advertising, but also potential damage that is done by this proliferation, this skyrocketing of advertising to which we are being exposed.

These ads do influence consumer behavior; otherwise, drug companies wouldn't be putting money into them. Their real purpose at the end of the day is to have a drug that, yes, helps people, but also makes money for them. It affects consumer behavior and it also—though it is not said very much but I will speak to it here shortly—affects physician behavior in a way I think is detrimental. Physicians don't want to talk about it very much because it is a little embarrassing. I will come back to that. But it affects physicians' behavior in a way that I think is not healthy, as well as affecting consumer behavior.

These ads cause people to take more prescription drugs. They have the potential to create an artificial demand and thereby they can drive up health care costs for everybody listening to me as individuals, but also our overall health care cost for the Nation.

I believe it has reached a point where they—again, it can be very positive with the health education—are needlessly and wastefully driving up health care costs. Thus it is time for us to get more information but also address the issue.

Moreover, a lot of the direct-to-consumer advertising is misleading. I know, as people listen, you tend to believe, unfortunately, what you see on TV and that can be dangerous in certain cases. This direct-to-consumer advertising can oversell hope, and people want hope; it can oversell results; and it can also undersell the risk. Every drug has side effects. Every drug has a side effect. We may not know all of the side effects, but the idea of promoting a drug without adequately enumerating, spelling out, highlighting the risk is wrong. Misleading advertising, especially when we are barraged with it, when that is all we see—a little bit of hyperbole, on TV between shows, if it is misleading, hurts patients and definitely pressures doctors to overprescribe or to change prescribing habits in response to that request, that specific request from a patient.

So today I rise to urge all pharmaceutical companies to voluntarily restrict consumer drug advertising during the first 2 years that a new drug is on the market. Today I am also requesting a Government study into the cost and into the consequences and any potential benefits of direct-to-consumer advertising. It is time for the drug companies, I believe, when it comes to direct-to-consumer advertising, to clean up their act. If they do not, I believe Congress will need to act in this arena.

In its proper place, direct-to-consumer drug advertising gives patients, gives consumers, information. It empowers them to make decisions. It can give them the information they need in order to make informed decisions about their health, about the advantages of a particular drug. It can instruct them and open their eyes to symptoms they have that might be very serious but they might not otherwise go to see a doctor about. It can inform them about new therapies, the breakthrough therapies that are so powerful—made in large part because of the research and development in our private sector by our pharmaceutical companies.

These are good things. These are the good things that advertising can do, that education can do, that knowledge can do. Indeed, I envision a health care system—and we are not yet there today, but I think we are moving in that direction, in part through legislation on the floor of the Senate, to move to a system that is centered not on big Government and not on us micromanaging from the floor of the Senate prices and decisions, but, no, move toward a system that is patient centered. We are moving toward a health care system that centers on the individual patient, that is provider friendly, and that is driven by three things. Those are knowledge or information that is given the patient, the individual, the opportunity to choose and make choices for themselves, and to make sure that patient is empowered, they have resources to make those decisions.

So if you are looking at a consumer-driven, patient-centered health care system, having timely information, accurate information, complete information, and balanced information has to be one of the major pillars.

Direct consumer advertising can be very helpful in that regard if that is the purpose and if it meets those standards. I don't think the advertising we see today—and I base this on people coming up to me all the time as a physician and policymaker—I don't think the advertising today meets those standards. I will have more to say about that issue.

With today's advertising, perhaps you are at a ball game with your family, going to a movie or to dinner—ask somebody about it—and today's advertising will likely leave parents having to explain to their young children, their 10-, 9-, 8-year-old, what erectile dysfunction is rather than a discussion of the importance of getting your blood pressure checked to see if you have hypertension so you will not have a stroke or heart disease. That would be useful information.

That is the problem. How did we get to this point? Prior to the 1980s, drug manufacturers almost always introduced and explained their products to physicians. Physicians had a body of knowledge and the training to make an assessment of whether, based on the information the drug companies gave them, this would be an efficacious drug, a useful drug to use, or whether the side effects would be appropriate for individual patients.

In 1981, just over 20 years ago, Boots Pharmaceuticals ran the first U.S.

print advertisement—just 24 years ago. It was directed to consumers for the ibuprofen product brufen. In 1980, print advertising picked up. In the 1990s, drug companies began to use more print advertisements to promote their products—again, directly to consumers, not going through physicians—and during that period they ran television advertisements sparingly. Rarely would consumers turn on the television and actually see an advertisement directed at the consumer on a drug.

Looking back over the last 40 years since 1962, the FDA has had a requirement—the FDA is the Government institution in charge of regulation and oversight. Since 1962, the FDA has required ads to include a brief summary of a drug's side effects, indications for use, the contraindications, the warnings and precautions.

Regarding the massive changes we are exposed to today, look back to the Clinton administration in 1997 when the disclosure rules for television ads were liberalized. The door was opened. That is not that long ago—3 years after I formally left the practice of medicine to come to the Senate. Rather than providing a full picture of a drug's risk and benefits, the new laws required only that drug companies disclose the most significant risk and then refer patients to a secondary source of information, leaving this whole inadequacy of the risk and adverse effects on the ad as presented.

As a direct result of this 1997 ruling, spending on direct consumer advertising skyrocketed 145 percent between 1997 and 2001. It passed the $1 billion mark in 1997. It was almost nonexistent 7 years before that and skyrocketed to about $1 billion in 1997. Then 4 years later, it kept skyrocketing and reached $2.7 billion. Indeed, last year, the drug companies spent over $4 billion advertising medications directly to consumers.

This 145 percent over that 4-year period from 1997 to 2001 for direct consumer advertising, reaching consumers, should be compared to an increase of only 59 percent for research and development for drugs—clearly, a heavy investment in direct consumer advertising. Why? Because that advertising increases utilization of that drug and sells more drugs.

The Clinton administration at the time they opened this door—under intense pressure by the drug industry—not only opened the door but opened the door too widely, and our regulatory body has not kept up with what has come through that door. As a result, the direct-to-consumer advertising exploded to levels that at least I did not anticipate. As we watched this unfold through the 1990s, I don't think anyone anticipated the level that we see when we turn on the television today. That drives up drug use, that drives up drug spending, and, of course, that will drive up the cost of health care generally.

In addition to all that, it has led to inappropriate doctor-physician prescribing. We have to be careful because until we really study it, we will not know all effects. My doctor friends tell me again and again, when a patient comes in with a specific request for a drug written down and the doctor has 30 or 40 patients waiting outside, it is almost easier—I am embarrassed to say this—almost easier for a doctor to write the prescription and give it to them even though there may be a generic drug or a much less expensive drug. The patient comes in and says: I have to have this drug. This drug is what I have in mind, the hope for the cure for my disease.

This misallocation of resources and inefficiency that results from inappropriate prescribing from the physician's standpoint is something we can rip out of the system if we turn to a balance between very good and direct-to-consumer advertising, which includes patient education, but get rid of the inappropriate, imbalanced state we are in today.

If we consider the recent labeling changes in market withdrawals of just one class of drugs, the nonsteroidal anti-inflammatory, it tells a story. These drugs were the most heavily advertised in America. They were used by millions and millions of patients. Millions of patients benefited, I should say, from these drugs, but many people today believe—looking back at what happened in response to the advertising—that they were overprescribed.

In the case of one drug people have heard a lot about, Vioxx, 93 million prescriptions had been written since its approval in May 1999. Millions of prescriptions were also written for similar drugs such as Celebrex and Bextra. In the case of Vioxx, indeed, it was a better drug. It did prove to be better than competing products for patients who had gastrointestinal problems or stomach problems. America did conduct postmarket research that was not required by the Food and Drug Administration. Of course, we cannot foresee every risk. It does take time to accumulate information to fully assess risk.

Quite simply, we should always strive to make safety the top concern, not selling the most drugs through increasing utilization, through advertising, but ultimately to make safety our top concern, especially for newly approved products that are used for the very first time in millions and millions of patients. It takes time for the adverse reactions and side effects to be fully explored and to fully surface. Doctors should have more time to use the drugs to gain experience with them, to collect more balanced information, and to be able to weigh the risks and benefits of a product.

In a 2002 report on the practice, the Government Accountability Office, the GAO, highlighted two studies. The last time it has been studied—and that is why I want to study it now, because we have had this explosion—but in the two studies they highlighted in 2002, the last report, each showed a 10-percent increase in direct-to-consumer spending within a drug class increased sales in that class by 1 percent. For one popular, very heavily advertised prescription drug, $1 of consumer advertising translated into $4 in increased sales—$1 dollar in advertising, $4 in sales. So we see the motivation from the drug companies in advertising particular drugs. It is no wonder the drug companies are flooding our airwaves today.

The GAO findings in that 2002 report were clear: Increased direct-to-consumer advertising has helped fuel escalating drug costs. These drug costs, as we know, are skyrocketing. In 2003, Americans consumed 134 billion prescription pills and spent over $216 billion on prescription drugs. That is as much as Americans spent on gasoline and oil. During the past few years, drug costs have gone up more than twice as fast as inflation, faster than nearly all other health care items and services.

Congress has paid attention to these skyrocketing, escalating drug costs, and we have acted on the 2003 Medicare Modernization Act. We took major steps toward providing more affordable prescription drugs. I add the ''more affordable'' because we did a number of things.

First and foremost, recognizing the importance of prescription drugs, centrality of prescription drugs to health care delivery today, we provided seniors with an outpatient prescription drug benefit under the Medicare Program for the first time in history—something I feel strongly about, something I am very excited about as we look over the next year, couple of years, where implementation begins. We also established health savings accounts that allow individuals to own and take care of their own health care. We reformed patent laws and closed loopholes to help speed lower cost generic drugs to market and set standards to encourage more efficient electronic prescribing and improved patient safety. We provided funds to the Department of Health and Human Services to study the clinical comparative effectiveness of drugs and then take that information and share it with patients, to share it with consumers so they can make prudent decisions.

We have taken some good steps, moved in the right direction, but we clearly have a lot more to do. Part of this effort, and the reason I bring it to the Senate today, is a responsibility we have to look at prescription drug advertising. Unbalanced and misleading prescription drug advertising hurts the American people. We will look at it. It adds tension to the relationship between doctors and patients, the physician-patient relationship. It can lead to inappropriate prescribing, and it can overwhelm our current regulatory system.

As consumers, we are all familiar with these ads. They adorn major magazines, Web sites, newspapers, and

flood the airwaves. Particularly on television, they present upbeat images, a parade of images that bring hope and beauty with these positive images, but often the warning and the cautions are in either fine print or as an afterthought. As I mentioned earlier, think how many parents have found themselves watching a sporting event with their son or daughter, only to be assaulted by an ad for erectile dysfunction.

Think back to advertising during this year's Super Bowl, the nature of those ads and the focus of those ads. Only rarely do these ads provide consumers with enough time to absorb the risk information. In a 2002 FDA study, nearly 60 percent of patients reported drug advertisements did not provide enough risk information. In that study, 58 percent of patients felt these ads portrayed products as better than they are. In another 2002 FDA survey, 75 percent of physicians said ads led patients to overestimate the efficacy of the drugs, and 65 percent of physicians noted that patients confused the risk and benefits of drugs advertised to consumers.

What this means is sometimes a patient may request a drug, even insist upon a drug, even if it does more harm than good. They may too heavily rely on a pill when an overall lifestyle change might be more appropriate. They may come in and demand the latest, most expensive medication when an old standby could do just as well.

Patients seeing the ads place new demands on their doctors. As I mentioned, when my medical colleagues are pressed for time, they tend to respond with the easy way of responding to a specific demand—even if it might not be either the most cost-effective or efficacious drug.

Thinking of one example, after one year of directly advertising the bone-mass-increasing drug Fosamax to consumers, physician visits for osteoporosis evaluation nearly doubled. That in some ways may be good because it shows the double-edged sword in that people go to the doctor and they ask appropriate questions. But then you have to ask the question: Did these ads provide the patients with the appropriate information to go see that doctor for the appropriate information on the side effects of that particular drug?

An interesting study from the University of California-Davis was where the researchers sent actors in good health to 152 doctors' offices in three cities to find out if they could get prescriptions for simulated symptoms. Half of the actors imitated patients suffering depression. The other half expressed symptoms of stress and fatigue.

The study found that if an actor requested Paxil, which is a heavily promoted antidepressant, he was five times as likely to walk out of the doctor's office with a prescription for the drug. The research suggested that direct-to-consumer advertising increases patient demand for specific medications, even in situations where prescriptions are not needed.

Finally, we need to ask questions about how we regulate this drug advertising. Right now, the Food and Drug Administration simply has neither the resources to scrutinize direct-to-consumer advertisements nor the power to review them for accuracy before they are viewed by the public. In 2002, the FDA received over 137,000 pieces of promotional material for review. Some of these materials appeared on the airwaves or in print even before they arrived at the office of the FDA.

The entire division responsible for this oversight consists of 40 employees—just 40 employees—who have to review almost 40,000 complex, medically sensitive advertisements. It is not enough. The FDA knows it is not enough. We have not given them enough resources.

Two years ago, Dr. Janet Woodcock, then the FDA's Acting Deputy Commissioner for Operations, told the Senate Committee on Aging:

> It would be impossible for the FDA to try to track the number of different broadcast advertisements that are aired.

Almost unbelievable to me is the fact that the FDA review comes after the fact. It cannot require drug companies to submit their advertisements before they appear on the airwaves or on the Internet or in print. The FDA simply cannot keep up.

Our failure, our Government's failure, to appropriately regulate drug advertising hurts the very people I believe the drugs are intended to help, and that is the patients. We are not serving the American people as well as we should.

Mr. President, 2 weeks ago, the pharmaceutical company Bristol-Myers Squibb announced a voluntary ban on advertising its new drugs to consumers in their first year on the market. The company said it wanted to give doctors more time to understand new products before patients start asking for them. I think this shows leadership. It shows responsibility. Bristol-Myers is setting an example in showing restraint in the industry.

I know PhRMA—that is the drug industry's trade association—has announced it will adopt an industrywide voluntary code governing direct-to-consumer advertising next month—another good move.

Mr. President, what should we do? I believe, at a minimum, the pharmaceutical industry should include a voluntary restriction on the direct-to-consumer advertising of prescription drugs in their first 2 years on the market. This restraint is important because a typical clinical trial for a drug includes about 5,000 patients. A blockbuster drug can attract as many as a million patients in the first year on the market. But since no drug is free of a side effect, we may not fully know what those side effects are. Doctors and patients need time to learn about the new treatments to be able to assess their benefits and find out more about the risk. Education should come before persuasion. Patient safety should be paramount, not the bottom line.

So what should we do? Three things.

First, we should give the FDA prior review and approval authority for all direct-to-consumer drug advertising. By the time the FDA reprimands a company for running a misleading drug commercial, that advertisement may have already deceived consumers. Advertising should boldly and responsibly address safety head on, replacing the upbeat fantasyland images with a frank discussion of a product's risks and benefits.

Second, we should increase resources devoted to reviewing advertising, to determine the advertisement's accuracy and to ensure all standards are met.

The FDA must have the resources, must have the capability to more thoroughly monitor drug advertising and make sure that companies fully comply with the advertising guidelines.

The American people assume this is being done today when they see those ads, and it is not. A staff of 40 is simply not sufficient.

And third, we should give doctors and patients greater access to clinical data and postmarketing surveillance efforts about drugs after they become available.

For the drug industry, which has long touted the educational benefits of its advertising and of its mission, it has to know that the success of their mission inherently depends upon the quality of information they give to physicians and patients—not just the enticing images, but the quality of information.

Mr. President, in closing, as a doctor who has witnessed both the good but also the bad in this explosion of drug advertising direct to the consumer, I feel I have a responsibility to watch this issue closely. If the pharmaceutical industry's voluntary restrictions are not strong enough, I will support congressional action to make sure consumers get the protection they deserve.

In the meantime, today, I am asking the Government Accountability Office, the GAO, to investigate FDA's oversight of prescription drug advertising, the pharmaceutical industry's spending on such advertising, and this advertising's impact on utilization, health care spending, and patient education and awareness.

Wherever I go—whether it is to meet with a group of doctors at a medical meeting at the Harvard Medical School or back at the University of Tennessee or at the Coca-Cola 600 in Charlotte—people come to me and say the direct-to-consumer advertising has gone overboard.

We have to return balance. I believe we can and we should move into a health care system that is centered on the patient, where they have appropriate information to make decisions—

a consumer-driven, provider-friendly, patient-centered system.

I know my colleagues share these or similar priorities. I believe the steps I have proposed today will be to the benefit of patients. It will save money. It will save lives. Prescription drugs, I believe, are the most powerful tools in American medicine today. We really could not and should not do without them. But we have to use them and market them and promote them with care.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RETIREMENT OF JUSTICE SANDRA DAY O'CONNOR

Mr. FRIST. Mr. President, I rise to pay tribute to a truly distinguished American—U.S. Supreme Court Justice Sandra Day O'Connor, who announced her retirement earlier this morning.

The current group of nine Justices, including Justice O'Connor, represented the longest serving Supreme Court since the 1820s.

Today marks a great loss for America. But it is also a day to reflect on all that we have gained because of Justice O'Connor's service to our country.

For nearly 23 years, Justice O'Connor lent America her brilliant mind and her fair and impartial judgment.

Sandra Day O'Connor, who turned 75 this year, was born in El Paso, TX.

The daughter of Harry and Ada Mae, she was raised on her family's cattle ranch, in southeastern Arizona.

Sandra Day O'Connor began her academic journey at Stanford University.

Upon earning a bachelor's degree in economics and graduating magna cum laude, she stayed on at Stanford, pursuing an education in law.

And at Stanford she thrived. She earned a coveted position on the Law Review's Board of Editors and completed law school in only 2 years. Not only did she graduate in record time, but she finished third in her class.

Coincidentally, she finished with a man who would later become her colleague on the highest Court in the land—Chief Justice William H. Rehnquist.

It was during law school that Sandra Day O'Connor met her future husband, John Jay O'Connor.

Seeking her first job as a young, female attorney, Sandra Day O'Connor faced many challenges in a male-dominated law profession.

After having difficulty finding a job in the private sector, she began her legal career as Deputy County Attorney of San Mateo, CA.

When her husband was drafted into the JAG Corps in 1953, the young couple moved to Frankfurt, Germany, where she worked as a civilian attorney for the U.S. Army.

After 2 years in Europe, Sandra Day O'Connor returned to Maryvale, AZ, where she experienced difficulty finding employment in the legal world. As a result, she decided to start her own legal practice.

After practicing law for 2 years, Sandra Day O'Connor took a break from her career to start a family. She and her husband raised three sons—Scott, Brian, and Jay. I must say, as a father of three sons, this may be her greatest accomplishment—certainly, one of the most challenging.

In 1965, Sandra Day O'Connor transitioned from the private sector, to the public, when she became Arizona's Assistant Attorney General.

In this capacity, she served for 4 years before being appointed to fill an unexpired seat in the Arizona State Senate. Her constituents agreed it was a good match—as they elected her twice more.

In the Arizona Senate she rose to the highest level, becoming majority leader and the first woman ever to hold such an office in the United States.

As majority leader of this body, I understand the challenges and rewards of being leader and admire Justice O'Connor for her tremendous achievement.

In 1975, Sandra Day O'Connor was elected, judge of the Maricopa County Superior Court and served until 1979, when she was appointed to the appellate bench in Arizona.

There she served, until late President Ronald Reagan appointed her Associate Justice to the Supreme Court.

On September, 21, 1981, the Senate unanimously confirmed her nomination to the Supreme Court. And that day, Sandra Day O'Connor made history. She became the first female Justice in the Court's history.

This 51-year-old Arizona-Court of Appeals judge shattered the 190–year-long tradition on the High Court of addressing Justices: ''Mr. Justice.''

When asked for her reaction to her nomination, Sandra Day O'Connor said:

I can only say that I will approach [my work on the bench] with care and effort and do the best job I possibly can do.

Most would agree that she has done just that.

Since 1981, Justice Sandra Day O'Connor has served with distinction on the U.S. Supreme Court. She has served as an example to all Americans—demonstrating that through persistence and hard work anything is possible.

In the face of obstacles—including being a woman in a male-dominated law profession—she never surrendered her determination nor did she surrender her Southwestern pride and love of the outdoors when she moved to the city. Rather, she brought it with her.

Anyone who has entered the inner confines of Justice O'Connor's Supreme Court office is familiar with a sign that reads ''Cowgirl Parking Only: All Others will be Towed.''

Fiercely proud of her heritage, Justice O'Connor and her brother, H. Alan Day, authored a best selling memoir ''entitled Lazy B: Growing up on a Cattle Ranch in the American Southwest.''

Having grown up in the South—in Nashville, TN—I appreciate Justice O'Connor's pride in her roots. She has not forgotten where she came from.

The values she learned through life on the range were values that left their brand mark. Indeed, hard work, self-reliance, and survival are the core values that make Sandra Day O'Connor the successful woman she is today.

As she writes in her memoir, working alongside cowboys on the Lazy B, she learned a system of values that was ''simple and unsophisticated and the product of necessity.''

Throughout her tenure on the Court, she has not wavered from her well-grounded views.

I've had the privilege of meeting Justice O'Connor on various occasions during my time in the United States Senate.

Each time that I've had the opportunity to interact with her, I've found her to be thoughtful, kind, and extraordinarily intelligent.

To echo the words of Ronald Reagan on the day he appointed Sandra Day O'Connor:

She is truly a ''person for all seasons,'' possessing those unique qualities of temperament, fairness, intellectual capacity and devotion to the public good which have characterized the 101 ''brethren'' who have preceded her.

Today, more than 23 years later, President Reagan's words still ring true.

When she took the oath of office as the 102nd Associate Justice, she pledged to uphold the Constitution, and since this time, Justice O'Connor has proven her steadfast commitment to uphold the Constitution.

During her confirmation hearing, she emphasized that the court's role was to interpret the law and not to make public policy.

Her record demonstrates that she has lived up to that commitment, respecting the rule of law and judiciously interpreting the Constitution.

Often cited as the ''swing vote'' on many important cases, Sandra Day

O'Connor has taken exception to that characterization, stating that ''if my vote has not been a hundred percent predictable, that's because I try to look at each one as it comes to us.''

Sandra Day O'Connor is an independent thinker and has made great contributions in many substantive areas of the law.

On the bench, she has not allowed the pressures of popular opinion to sway her decisions. Rather, she has consistently decided each case before her based on the underlying facts.

Despite being the first woman to serve on the high Court, Justice O'Connor has not used this position to influence decisions of the majority. She once said:

The power I exert on the court depends on the power of my arguments, not my gender.

Her wisdom, intellect, and humility have earned her deep respect from her colleagues, even those with opposing judicial philosophies.

For they see that she embodies all the ideal qualities in a judge—fair, impartial, and open-minded.

Through her experiences, Justice O'Connor has brought a unique perspective and understanding of checks and balances to the Court.

A true public servant—Sandra Day O'Connor has served our Nation for almost four decades: As an Arizona State Senator and majority leader, State court judge, assistant State attorney general, and in the capacity for which she will long be remembered, as an Associate Justice on the Supreme Court.

Throughout her life, Justice O'Connor has displayed her civic loyalties through her participation in various community organizations including the boards of the Smithsonian Institution, the Heard Museum, and the Salvation Army.

She was recognized for her service in 1995, when she was inducted into the National Women's Hall of Fame.

Sandra Day O'Connor has accomplished more in a lifetime than many would imagine possible.

Yet, throughout that breathtaking journey to the top, she never lost sight of her humble roots, and never lost sight of the people she served.

As she told a reporter in a 1996 interview that she never expected or aspired to be a justice, and still considers herself ''just a cowgirl from Arizona.''

While the ''cowgirl from Arizona'' may never have dreamed of riding to the highest court in the land, America is fortunate that she did.

A brilliant jurist, a bright legal mind, and a compassionate woman—she has earned her place in history for more reasons than one.

I am sure that Justice O'Connor is looking forward to spending time with her husband, John, and their family during her retirement.

And Karyn and I wish her and her family much joy and happiness in this new chapter of life.

On behalf of the entire United States Senate and a grateful Nation, I commend Justice Sandra Day O'Connor for a lifetime of distinguished service to our great Nation.

As the Senate moves forward to confirm a new nominee for the high Court, it's important that we remember her legacy.

America needs judges who are fair, independent, unbiased and committed to equal justice under the law. I am confident that the President will select a qualified replacement justice who embodies these qualities.

And I look forward to working with my colleagues to ensure a fair confirmation process in the Senate that will ensure the Supreme Court is at full strength to start its next term in October.

I yield the floor.

SENATE ACCOMPLISHMENTS

Mr. FRIST. Mr. President, before we leave for the Fourth of July recess, I want to congratulate my colleagues for their hard work and focus over the past 6 months. We have worked hard to deliver meaningful solutions for the American people, and we have succeeded.

From lawsuit reform to trade and energy policy, we have tackled a number of key issues that will make America stronger, more prosperous and more secure.

We also confirmed six new members of the President's administration, including Secretary Condoleezza Rice, Homeland Security Chief Michael Chertoff, Attorney General Alberto Gonzales, Trade Representative Rob Portman, EPA Administrator Stephen L. Johnson, and the first ever National Intelligence Director, John Negroponte.

As I reflect on the goals set out in January, we took on big and urgent challenges. And our actions have translated into solutions. Together we are moving America forward.

When we began the 109th Congress 6 months ago, America faced a number of structural problems threatening our safety, prosperity, and freedom.

America was drowning in lawsuit abuse. Our highways and ports were falling into disrepair. We were hitting our 10th year with no energy plan and becoming ever more dependent on foreign oil. Partisan obstruction was tearing apart the confirmation process. Our troops in the field needed our support. And over the Christmas holiday, a tsunami disaster devastated Southeast Asia.

We needed to take bold action, so I laid out a plan.

We began by passing the 5th fastest budget in Senate history. That allowed us to move on to the issues starting with class action. Frivolous lawsuits were so out of control that litigation in America had become the most expensive in the world. In 2003, the tort system cost an incredible $246 billion—more than the total economic output of my home State of Tennessee.

Frivolous filings dull our competitive edge, clog up state courts, waste taxpayer dollars, and lead to outrageous settlements that award trial attorneys multimillion-dollar fees while their clients get pennies.

Reform was long overdue. So we pulled together and finally passed a comprehensive class action reform bill with nearly three-quarters of the Senate voting in favor. One week later, the bill was signed into law. And we delivered to America a victory for fairness.

With this success at our backs, we turned to bankruptcy abuse.

Bankruptcy reform had long been in the works. Similar bills had passed the 105th, 106th and 107th Congresses. In this Congress, we passed the most sweeping overhaul of bankruptcy law in 25 years to restore fairness, integrity and personal responsibility to the system. And like class action, the bankruptcy bill passed with broad, bipartisan support.

I thank my colleagues for finally getting these reforms through. It was not easy. A rich and powerful constituency had a lot to lose from reform. But common sense prevailed and we were able to return fairness to the system.

There is still much to do to curb the lawsuit culture: asbestos, gun liability, and medical malpractice. But I am hopeful that the bipartisan spirit that carried us this far will continue to push us across the finish line.

The highway bill was another area where we were able to come together and keep America moving forward.

The highway bill was the result of a long, bipartisan process. It was based on more than 3 years of work, over a dozen hearings, testimony from more that 100 witnesses, and countless hours of negotiation. It was supported by a deep and broad coalition—from State and local highway authorities to national safety advocates.

As every commuter knows, America's roads have become choked with traffic. In many American cities, rush hour now lasts all day long.

Worse yet, car crashes are the No. 1 cause of death for every age from 3 to 33. Last year, nearly 43,000 people died in car accidents.

Transportation Secretary Norm Mineta rightly observed that, ''If this many people were to die from any one disease in a single year, Americans would demand a vaccine.''

This year, we were able to provide relief. By a vote of 89 to 11, we passed the long overdue SAFETEA bill. As communities improve their roads and ports, America's drivers will face less time sitting in traffic, burning up time and gas.

Which brings me to energy. Like the highway bill and lawsuit abuse reform, energy policy had languished for years—in this case, for over a decade.

While Congress dithered, oil prices soared.

Likewise, instead of the lowest natural gas prices in the industrialized world, we have the highest.

And because of high natural gas prices, manufacturing and chemical jobs have been steadily moving overseas. Farmers are taking a pay cut. Consumers are paying too much to heat and cool their homes. Communities across the country are suffering. And as many as 2.7 million manufacturing jobs have been lost because of soaring prices.

All the while, we have grown dangerously reliant on foreign sources of energy. And some of those foreign sources do not have America's best interests at heart.

With all of this as a backdrop, we were finally able, this week, to pass a comprehensive Energy bill. It took 10 years, but we made it. And I am hopeful that, soon, we will be able to deliver to the American people an energy plan the makes America safer and more secure.

Another area where we simultaneously strengthened America's national and economic security was with the passage of the Central American Free Trade Agreement last night.

The agreement, which President Bush signed in May of 2004, will eliminate most trade barriers between the United States, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republican.

CAFTA will open the doors to 44 million new consumers of American goods. And more sales to Central America mean more jobs here at home.

It also means a more shared values.

Twenty years ago, only two of the CAFTA nations were established democracies—Costa Rica and the United States. Today, all seven can be counted among the free nations of the world.

By linking their economies with democratic capitalism, CAFTA will help gird these nations against the threats posed in the neighborhood, mainly Venezuela and Cuba. It will strengthen their democracies and provide a model for freedom seekers around the world.

Which brings me to our outstanding work on the world stage. In April, by a near unanimous vote, we passed the emergency defense and war supplemental and Tsunami relief.

On the morning of December 26th, the world woke up to the terrible tsunami disaster in Southeast Asia.

Deep in the Indian Ocean, an enormous earthquake, estimated at a magnitude of 9.0 on the Richter scale—possibly one of the most powerful earthquakes in history—caused a devastating tsunami which killed over 155,000 people, seriously injured half a million, and displaced as many as 5 million from their demolished homes.

Thousands of people were literally washed out to sea as the enormous wall of water traveling at speeds of up to 500 miles per hour in the open ocean struck the coasts of the Indian Ocean rim. As the waves receded, they took with them whole towns and villages.

In the face of this terrible tragedy, America took swift action.

We immediately dispatched military ships, planes and helicopters to deliver aid. Twelve thousand of our men and women in uniform worked around the clock to reach survivors. And Americans here at home, moved by the terrible images and stories, gave millions out of their own pockets to help.

I had the opportunity to travel to the region with Senator LANDRIEU to survey the damage and meet with local doctors and government officials. We learned that it will take years for the region to recover. Many families never will.

The legislation we passed in April provides an additional $880 million to help the victims recover and rebuild. The tsunami story may no longer be grabbing headlines, but America is still hard at work doing its part.

We are still also hard at work fighting the war on terror. And the emergency defense bill provides $75.9 billion in support for our brave soldiers in Afghanistan and Iraq hunting down the enemy, helping to rebuild and spread freedom and democracy.

As the President reminded the Nation this week, we are engaged in an epic struggle. The terrorists and insurgents want to deny the Iraqi people the freedoms that are the right of all mankind.

They want democracy in Iraq to fail, so that they can seize power and spread their poison.

But they will not succeed. We will win this war. But to do so, we must continue to stand together, united in support of our troops and in support of our values. The terrorists are no match for the will of the American people. And as Senators, we have no higher duty than to protect our fellow citizens' safety and well being.

The past 6 months were not without their tense and dramatic moments in the Senate—none were more dramatic than the battle to confirm the President's judicial nominees.

We appear to have begun to repair the confirmation process and restore dignity, fairness, and respect to our debates.

As we said all along, each of these candidates was amply qualified, and enjoyed the majority support of the Senate. Each would be confirmed if brought to the Senate floor. And each of them were: Priscilla Owen, Janice Rodgers Brown, William Pryor, Richard Griffin, David McKeague, and Tom Griffith were all confirmed to the Federal bench.

Unfortunately, in the process, they had to endure continuous, unfair attacks on their character. Some of the nominees in the last Congress found the process so painful, they dropped out rather than continue on.

It is no wonder that we now hear reports that smart, qualified judges do not want to be considered for confirmation to the Federal bench. They have concluded that Washington is no place to risk your reputation—you may never get it back.

Unfortunately, we see this now with the nomination of John Bolton to the United Nations.

I have listened to my Democrat colleagues and heard their requests. I have no choice but to conclude that some on the other side are engaged in plain, partisan obstruction.

John Bolton has a long record of successfully serving his country. He has been confirmed by the Senate no less than four times.

I have been more than willing to try to reach a fair accommodation with the various requests, but the goalposts keep moving.

This is a critical time for the United States and for the world. Because of the President's vision and commitment, democracy is on the march around the globe. And with sensible reform, the United Nations can and should be vital in advancing these developments. But we need to get a U.N. ambassador in place to make that change happen.

We have before us a smart, principled, and straightforward candidate who will effectively articulate the President's policies on the world stage.

We were assured that the partisan obstruction would stop. But as we see with the John Bolton nomination here we are again. I urge my colleagues to do what is right for the country, to set aside partisanship and let the Senate do its work, vote up or down, yes or no.

We have much to do when we get back. It will be a busy month. I look forward to getting down to business and passing more legislation, like the Genetic Non-Discrimination Act we passed in February, that makes America more secure.

I thank my colleagues for their hard work. I wish them a safe, productive and energizing holiday recess.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at the conclusion of my very brief remarks about the retirement of Justice O'Connor, Senator VOINOVICH be recognized for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. STEVENS. May I inquire, does the Senator from Ohio intend to speak about Justice O'Connor?

Mr. VOINOVICH. I do not.

Mr. STEVENS. Mr. President, would the Senator mind if I made a short statement about Justice O'Connor before he speaks?

Mr. VOINOVICH. I have been here since 10 minutes to 10 waiting to give a speech. I have a schedule today. I would like to have my time.

Mr. STEVENS. Very well.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I rise today to briefly celebrate the service of Justice Sandra Day O'Connor. I met Justice O'Connor through my wife,

Labor Secretary Elaine Chao. Justice O'Connor swore her in for two of the positions she has held in the Federal Government, as chairman of the Federal Maritime Commission and, also, most recently, as Secretary of Labor. Through Secretary Chao, I have seen her on several occasions socially. I must say that she is an extraordinary individual. During her time on the Court, Justice O'Connor has proven herself to be a brilliant jurist and a strong defender of the Constitution. She is known for her fairness and her desire to seek practical solutions for even the most difficult decisions upon which the Court had to rule.

Justice O'Connor has proved to be an independent thinker and a vigorous questioner, narrowing in on precise legal issues with laser-like precision from the bench. She has lived up to the promise to respect the Constitution and to interpret the law judiciously, seeking the narrowest reach possible for the Court's rulings. Justice O'Connor is known for approaching each case individually, seeking to arrive at practical conclusions.

Justice O'Connor has been a great advocate for the Court. She has traveled the globe, speaking to thousands of students, lawyers, foreign dignitaries, and others on the judiciary, the Constitution, and the law. Justice O'Connor's love of this Nation, its judicial process, and the law is widely known.

In her most recent book, ''Majesty of the Law, Reflections of a Supreme Court Justice,'' she insightfully describes the institution of the Court, its history, customs, and some of its most able members. Certainly, we will all agree that Justice O'Connor will long be remembered as one of the most distinguished persons ever to serve on the High Court. We wish her very well in her retirement.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Ohio is recognized for 15 minutes.

Mr. VOINOVICH. Mr. President, I just found out that Sandra Day O'Connor has resigned from the Supreme Court. I think regardless of what our political persuasion is or our ideology, we all respect her for living up to her oath of office in that her presence on the Supreme Court is going to be missed by this country.

NOMINATION OF JOHN BOLTON

Mr. VOINOVICH. This is the third time I have come to the Senate floor to speak about the nomination of John Bolton to be the next ambassador to the United Nations. It is particularly apropos because the Senate is on the eve of going into the Fourth of July recess. The record before the Senate documents the allegations related to Mr. Bolton's lack of interpersonal skills and management style, the pattern of intimidation with intelligence analysts, and the allegations that Mr. Bolton had a habit of cherrypicking intelligence to suit his perception of the world and his ideology.

The record has also documented Mr. Bolton's tendency to stray off message in a manner that could harm U.S. interests and his need for supervision from higher authorities to prevent him from hurting U.S. objectives. The record documents the fact that I was given assurances by the Secretary of State, Condoleezza Rice, that Mr. Bolton would be supervised closely in his new position at the U.N. Because of these concerns—and according to other Members of the Senate, they were given the same assurances—the question we all have to ask is, Why would we send someone to the United Nations who needs supervision?

I did not come to the floor today to repeat the record, although these issues are very important to our decision to confirm Mr. Bolton as our next ambassador to the United Nations. I came to the floor to talk about why this nomination is particularly unique and why it is particularly important at this time in history that we send the right candidate to the United Nations.

The nominee that we send to the U.N. to be the face of the United States to the world community must be able to advance our objectives through diplomacy and improve the world's opinion of the United States at this critical time. America's image is in trouble. World opinion is increasingly negative when it comes to the United States. It is not limited to Muslim countries. Polls of traditional allies and nonallies reveal a dangerous rise in negative opinion since the beginning of the conflict in Iraq. The Associated Press reported that the popularity of the United States in many countries, including many in Europe, is lagging behind even Communist China.

According to the Pew Research Center for the People and the Press, about two-thirds of Britain, 65 percent, saw China favorably compared with 55 percent who held a positive view of the United States. It is easy to understand why our friend, British Prime Minister Tony Blair, lost 30 seats in the Parliament.

The 9/11 Commission made this point in its report that negative opinions of the United States have a serious impact on U.S. national security objectives. The report stated that winning hearts and minds through public diplomacy is just as critical to the war on terrorism as other tools, such as military assets and intelligence. I know I am not the only American who is disturbed by these numbers. The allegations and the criticism do not reflect the facts and are in no way fair to the United States of America. Our country is a decent, generous country that has sacrificed a great deal for our brothers and sisters throughout the world. Our men and women have sacrificed their lives in many wars and peacekeeping operations so that others could be free from oppression and free to pursue happiness.

In Iraq, the deaths of over 1,700 Americans and the injuries borne by almost 13,000 Americans bear witness to this sacrifice. But the fact is, we have to do a better job of getting our message out.

Our President, who made an outstanding case for our need to stay the course in Iraq the other night, has stated on a number of occasions that we need to improve our public diplomacy, and he has been very successful in pushing forward that agenda in recent months. As I mentioned before, the President has nominated Karen Hughes to head up his public diplomacy efforts at the State Department, understanding that it is going to take a talented individual to get the job done. He has also been very successful in strengthening relationships with key allies in the last several months.

The President has been very clear about the importance of diplomacy in dealing with the world and the most pressing national security issues. During the President's May 31 press conference at the White House, just a month ago, he stated:

> The best way to solve any difficult situation is through diplomacy.

In response to questions about Iran, the President stated that U.S. policy is to let diplomacy work its way and to solve the problem with diplomacy, working with the EU–3, France, Great Britain, and Germany.

In response to questions about North Korea, the President said:

> We want diplomacy to work.
>
> Repeating:
>
> We want diplomacy to be given a chance to work.

And that is exactly the position of the Government.

Based on these statements, there is no doubt that U.S. national security strategy is going to rely on diplomacy for the months ahead, and our ambassador to the United Nations must have the ability to implement this Presidential strategy.

I recently spoke with Comptroller General David Walker who heads the Government Accountability Office and is an expert on change in governmental organizations and how one achieves reform in a governmental organization. He said that in order to be successful on reform, you need someone who respects the institution to be reformed and who is respected by the institution.

In a March 2005 article in the Los Angeles Times, it was reported that Mr. Bolton was asked why he opposed offering incentives to North Korea to abandon its nuclear weapons program.

Mr. Bolton stated, ''I don't do carrots.''

Any competent diplomat knows you need both a carrot and a stick to be successful. One would assume by that statement that Mr. Bolton's mode of diplomacy is solely through carrying a big stick.

I will read a few quotes of many Mr. Bolton has spoken over the years:

There's no such thing as the United Nations.

If the U.N. Secretary Building in New York lost 10 stories, it wouldn't make a difference.

Not only do I not care about losing the General Assembly vote, but actually see it as a ''make my day'' outcome.

Most recently, in answering a question from Juan Williams from National Public Radio, Mr. Bolton said:

If I were redoing the Security Council today, I'd have one permanent member because that's the real reflection of the distribution of power in the world.

Mr. Williams queried:

And that one member would be, John Bolton?

Mr. Bolton responded:

The United States.

This is not a man who is perceived to respect the U.N. and who will be respected by the institution if he goes there.

The other issue that makes this nomination particularly unique is the great opportunity we have before us to reform the United Nations. This is not an ordinary time in regard to the U.N. The U.N. has serious problems that need attention now. We all know about the flaws in the oversight system and the corruption related to the Oil for Food Program.

There are also serious problems with the general management of the U.N., the Commission on Human Rights, and the standards of conduct for U.N. peacekeepers. All of these areas require reform now.

The bipartisan U.S. task force, led by Newt Gingrich and George Mitchell, has issued a report detailing several recommendations for reforming the U.N. and calling for action.

The report notes that without a renewed and more effective United Nations, the challenges to international security, development, and general well-being will be all the greater because, as the report states, ''an effective U.N. is in American interests.''

The opportunity to finally reform the U.N. is even greater now because we have the support of U.N. Secretary General Kofi Annan. He finally gets it, Mr. President.

In an article in Foreign Affairs Journal and in a recent article in the Wall Street Journal, Kofi Annan stated, ''The desire for change is widespread, not only in the U.S., but among many member-states, and also many U.N. staff.''

I ask unanimous consent that both of these articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED WE STAND

(By Kofi A. Annan)

This Sunday marks the 60th anniversary of the signing of the United Nations Charter in 1945. Debate about ''reform'' of the U.N. has been raging almost from that moment on.

This is bcause—especially but not only in the United States—idealism and aspiration for the U.N. have always outstripped its actual performance. For 60-years Americans—conservative and liberal alike—have expected much from the U.N. Too often, we have failed to meet those expectations.

In Washington, the debate now centers on two documents which appeared last week: the report of the bipartisan Task Force led by former Speaker Newt Gingrich and former Senator George Mitchell, and the Henry J. Hyde United Nations Reform Act, adopted by the House of Representatives.

There is considerable overlap between the two prescriptions, as there is between both and the reforms that I myself have proposed—or, where they are within my power, am already implementing. That is not surprising. The desire for change is widespread, not only in the U.S., but among many other U.N. member-states, and also many U.N. staff.

All of us want to make the U.N.'s management more transparent and accountable, and its oversight mechanisms stronger and more independent.

All of us would like the General Assembly to streamline its agenda and committee structure, so that time and resources are devoted to the burning issues of the day, rather than to implementing resolutions passed years ago in a different political context.

All of us are eager to make the U.N.'s human rights machinery more credible and more authoritative, notably by replacing the present Commission on Human Rights with a Human Rights Council, whose members would set an example by applying the standards they are charged to uphold.

All of us would like to see a Peacebuilding Commission created within the U.N., to coordinate and sustain the work of helping countries make the transition from war to peace—so that we do not repeat the dangerous relapse into anarchy that we witnessed in Afghanistan before 2001 and more recently in Haiti, as will as several African countries.

And all of us want to impose stricter standards of conduct on U.N. peacekeeping missions, especially to put an end to sexual abuse and exploitation.

Those are some examples, among many. I believe this convergence of expectations offers us—perhaps for the first time in 60 years—a chance to bridge the gap between aspiration and performance.

Where there are differences—not so much between the U.N. and the U.S., but between the Hyde Act and the other proposals on offer—these relate essentially to two points: the method to be used to make reform happen, and the global context which makes U.N. reform so important.

For Mr. Hyde and his colleagues, reform can only be brought about by threatening a draconian and unilateral cut in the U.S. contribution to the U.N. budget.

I believe that approach is profoundly mistaken and would, if adopted by the U.S. government as whole, prove disastrously counterproductive. It would break the reformist coalition between the U.S. and other member-states whose collective pressure could otherwise make these reforms happen.

The U.N. is an association of sovereign states, which agreed, when they ratified the Charter, to share the expenses of the Organization ''as apportioned by the General Assembly.'' The scale of assessment, which determines the share borne by each member-state, is renegotiated every six years; and every year the General Assembly passes a resolution—invariabaly supported by the U.S.—enjoining all members to pay their contributions promptly, in full and without conditions.

The way to make changes or reforms, therefore, is to negotiate agreement with other member-states.

As the Gingrich-Mitchell task force put it, ''to be successful, American diplomacy must build a strong coalition including key member-states from various regions and groups . . . many of whom share America's' strong desire to reform the United Nations into an organization that works.'' Such a coalition will not be built by one nation threatening to cut its own contribution unilaterally. Other states will not accept such a ''big stick'' approach.

Fortunately, the Hyde withholding proposal is not backed by the administration, or indeed by the task force.

Even more important, however, is the global context The U.N. does not exist in a vacuum, or for its own sake. It is a forum in which all the world's peoples can come together to find common solutions to their common problems—and, when they so choose, also an instrument with which to pursue those solutions.

There are surely more shared global problems and threats today, or anyway not fewer, than when the U.N. was founded.

Among the most worrying are the proliferation of terrorist groups and weapons of mass destruction, and the danger that the latter will fall into the hands of the former.

Those are very serious threats to people in rich and poor countries alike. The failure of last month's review conference on the Nuclear Non-Proliferation Treaty to address them seems breathtakingly irresponsible. I hope the world's political leaders will now take up the issue, with much greater urgency.

To deal with such issues, we need, among other things, a stronger and more representative Security Council.

But the threats that seem most immediate to many people in poor countries are those of poverty, disease, environmental degradation, bad government, civil conflict, and in some cases—Darfur inevitably springs to mind—the use of rape, pillage and mass murder to drive whole populations from their homes.

We can only make progress if we address all these threats at once. No nation can reasonably expect cooperation on the things that matter to it most, unless it is prepared in return to help others with their priorities. And, as the U.N.'s own high-level reform panel pointed out, the different kinds of threats are closely interconnected. Neglect and misgovernment in Afghanistan allowed terrorists to find a haven. Chaos in Haiti caused attempted mass migration to Florida. And poor health systems in poor countries may make it easier for a disease like avian flu to spread spontaneously, or even to be spread deliberately, from one continent to another.

So development and security are connected—and both in turn are linked to human rights and the rule of law. The main purpose of my ''In Larger Freedom'' report was to suggest things that can and should be done, by all nations working together, to achieve progress on all these fronts and to make the U.N. a more effective instrument for doing so.

Decisions can be taken this September, when political leaders from all over the world meet at U.N. Headquarters for the 2005 world summit. Over 170 have said they will come, and President Bush is expected to be among them.

The stakes for the U.S., and for the world, could hardly be higher. The opportunity to forge a common response to common threats may not soon recur. It is in that context, and for that reason, that a reformed and strengthened U.N. is so badly needed.

''IN LARGER FREEDOM'': DECISION TIME AT THE UN

(By Kofi Annan)

OUR SHARED VULNERABILITY

Ask a New York investment banker who walks past Ground Zero every day on her

way to work what today's biggest threat is. Then ask an illiterate 12-year-old orphan in Malawi who lost his parents to AIDS. You will get two very different answers. Invite an Indonesian fisherman mourning the loss of his entire family and the destruction of his village from the recent, devastating tsunami to tell you what he fears most. Then ask a villager in Darfur, stalked by murderous militias and fearful of bombing raids. Their answers, too, are likely to diverge.

Different perceptions of what is a threat are often the biggest obstacles to international cooperation. But I believe that in the twenty-first century they should not be allowed to lead the world's governments to pursue very different priorities or to work at cross-purposes. Today's threats are deeply interconnected, and they feed off of one another. The misery of people caught in unresolved civil conflicts or of populations mired in extreme poverty; for example, may increase their attraction to terrorism. The mass rape of women that occurs too often in today's conflicts makes the spread of HIV and AIDS all the more likely.

In fact, all of us are vulnerable to what we think of as dangers that threaten only other people. Millions more of sub-Saharan Africa's inhabitants would plunge below the poverty line if a nuclear terrorist attack against a financial center in the United States caused a massive downturn in the global economy. By the same token, millions of Americans could quickly become infected if, naturally or through malicious intent, a new disease were to break out in a country with poor health care and be carried across the world by unwitting air travelers before it was identified.

No nation can defend itself against these threats entirely on its own. Dealing with today's challenges—from ensuring that deadly weapons do not fall into dangerous hands to combating global climate change, from preventing the trafficking of sex slaves by organized criminal gangs to holding war criminals to account before competent courts—requires broad, deep, and sustained global cooperation. States working together can achieve things that are beyond what even the most powerful state can accomplish by itself.

Those who drew up the charter of the United Nations in 1945 saw these realities very clearly. In the aftermath of World War II, which claimed the lives of 50 million people, they established at the San Francisco conference in 1945 an organization (in the words of the charter) to ''save succeeding generations from the scourge of war.'' Their purpose was not to usurp the role of sovereign states but to enable states to serve their peoples better by working together. The UN's founders knew that this enterprise could not be narrowly conceived because security, development, and human rights areinextricably linked. Thus they endowed the new world organization with broad ambitions: to ensure respect for fundamental human rights, to establish conditions under which justice and the rule of law can be maintained, and, as the charter says, ''to promote social progress and better standards of life in larger freedom.''

When the UN Charter speaks, of ''larger freedom,'' it includes the basic political freedoms to which all human beings are entitled. But it also goes beyond them, encompassing what President Franklin Roosevelt called ''freedom from want'' and ''freedom from fear.'' Both our security and our principles have long demanded that we push forward all these frontiers of freedom, conscious that progress on one depends on and reinforces progress on the others. In the last 60 years, rapid technological advances, increasing economic interdependence, globalization, and dramatic geopolitical change have made this imperative only more urgent. And since the attacks of September 11, 2001, people everywhere have come to realize this. A new insecurity entered every mind, regardless of wealth or status. More clearly than ever before, we understand that our safety, our prosperity indeed, our freedom—is indivisible.

A NEW SAN FRANCISCO MOMENT

Yet precisely when these challenges have become so stark, and when collective action has become so plainly required, we see deep discord among states. Such dissonance discredits our global institutions. It allows the gap between the haves and the have-nots, the strong and the weak, to grow. It sows the seeds of a backlash against the very principles that the UN was set up to advance. And by inviting states to pursue their own solutions, it calls into question some of the fundamental principles that have, however imperfectly, buttressed the international order since 1945.

Future generations will not forgive us if we continue down this path. We cannot just muddle along and make do with incremental responses in an era when organized crime syndicates seek to smuggle both sex slaves and nuclear materials across borders; when whole societies are being laid waste by AIDS; when rapid advances in biotechnology make it all too feasible to create ''designer bugs'' immune to current vaccines; and when terrorists, whose ambitions are very plain, find ready recruits among young men in societies with little hope, even less justice, and narrowly sectarian schools. It is urgent that our world unite to master today's threats and not allow them to divide us and thus master us.

In recent months, I have received two wide-ranging reviews of our global challenges: one from the 16-member High-Level Panel on Threats, Challenges, and Change, which I had asked to make proposals to strengthen our collective security system; the other from 250 experts who undertook the UN Millennium Project and devised a plan to cut global poverty in half within the next ten years. Both reports are remarkable as much for their hardheaded realism as for their bold vision. Having carefully studied them, and, extensively consulted UN member states, I have just placed before the world's governments my own blueprint for a new era of global cooperation and collective action.

My report, entitled ''In Larger Freedom,'' calls on states to use the summit of world leaders that will be held at UN headquarters in September to strengthen our collective security, lay down a truly global strategy for development, advance the cause of human rights and democracy in all nations, and put in place new mechanisms to ensure that these commitments are translated into action. Accountability—of states to their citizens, of states to one another, of international institutions to their members, and of this present generation to future ones—is essential for our success. With that in mind, the UN must undergo the most sweeping overhaul of its 60-year history. World leaders must recapture the spirit of San Francisco and forge a new world compact to advance the cause of larger freedom.

FREEDOM FROM FEAR

The starting point for a new consensus should be a broad view of today's threats. These dangers include not just international wars but also civil violence, organized crime, terrorism, and weapons of mass destruction. They also include poverty, infectious disease, and environmental degradation, since these ills can also have catastrophic consequences and wreak tremendous damage. All of these can undermine states as the basic units of the international system.

All states—strong and weak, rich and poor—share an interest in having a collective security system that commits them to act cooperatively against a broad array of threats. The basis of such a system must be a new commitment to preventing latent threats from becoming imminent and imminent threats from becoming actual, as well as an agreement on when and how force should be used if preventive strategies fail.

Action is required on many fronts, but three of them stand out as particularly urgent. First, we must ensure that catastrophic terrorism never becomes a reality. In that cause, we must make use of the unique normative strength, global reach, and convening power of the UN. To start, a comprehensive convention against terrorism should be developed. The UN has been central in helping states negotiate and adopt 12 international antiterrorism conventions, but a comprehensive convention outlawing terrorism in all its forms has so far eluded us because of debates on ''state terrorism'' and the right to resist occupation. It is time to put these debates aside. The use of force by Most lawyers recognize that the provision includes the right to take preemptive action against an imminent threat; it needs no reinterpretation or rewriting. Yet today we also face dangers that are not imminent but that could materialize with little or no warning and might culminate in nightmare scenarios if left unaddressed. The Security Council is fully empowered by the UN Charter to deal with such threats, and it must be ready to do so.

We must also remember that state sovereignty carries responsibilities as well as rights, including the responsibility to protect citizens from genocide or other mass atrocities. When states fail to live up to this responsibility, it passes to the international community, which, if necessary, should stand ready to take enforcement action authorized by the Security Council.

The decision to use force is never easy. To help forge consensus over when and how resort to force is appropriate, the Security Council should consider the seriousness of the threat, whether the proposed action addresses the threat, the proportionality of that proposed action, whether force is being contemplated as a last resort, and whether the benefits of using force would outweigh the costs of not using it. Balancing such considerations will not produce made-to-measure answers but should help produce decisions that are grounded in principle and therefore command broad respect.

LIVING IN DIGNITY

Accepting our solemn responsibility to protect civilians against massive violations of human rights is part of a larger need: to take human rights and the rule of law seriously in the conduct of international affairs. We need long-term, sustained engagement to integrate human rights and the rule of law into all the work of the UN. This commitment is as critical to conflict prevention as it is to poverty reduction, particularly in states struggling to shed a legacy of violence.

The UN, as the vehicle through which the Universal Declaration of Human Rights and two international human rights covenants have been promulgated, has made an enormous contribution to human rights. But the international machinery in place today is not sufficient to ensure that those rights are upheld in practice. The Office of the UN High Commissioner for Human Rights operates on a shoestring budget, with insufficient capacity to monitor the field. The high commissioner's office needs more support, both political and financial. The Security Council—

and in time, I hope, the proposed Peacebuilding Commission—should involve the high commissioner much more actively in its deliberations.

The Commission on Human Rights has been discredited in the eyes of many. Too often states seek membership to insulate themselves from criticism or to criticize others, rather than to assist in the body's true task, which is to monitor and encourage the compliance of all states with their human rights obligations. The time has come for real reform. The commission should be transformed into a new Human Rights Council. The members of this council should be elected directly by the General Assembly and pledge to abide by the highest human rights standards.

No human rights agenda can ignore the right of all people to govern themselves through democratic institutions. The principles of democracy are enshrined in the Universal Declaration of Human Rights, which, ever since it was adopted in 1948, has inspired constitutions in every corner of the globe. Democracy is more widely accepted and practiced today than ever before. By setting norms and leading efforts to end colonialism and ensure self-determination, the UN has helped nations freely choose their destiny. The UN has also given concrete support for elections in more and more countries: in the last year alone, it has done so in more than 20 areas and countries, including Afghanistan, Palestine, Iraq, and Burundi. Since democracy is about far more than elections, the organization's work to improve governance throughout the developing world and to rebuild the rule of law and state institutions in war-torn countries is also of vital importance. Member states of the UN should now build on this record, as President George W. Bush suggested to the UN General Assembly in September 2004, by supporting a fund to help countries establish or strengthen democracy.

Of course, at the UN, democratic states sometimes have to work with nondemocratic ones. But today's threats do not stop neatly at the borders of democratic states, and just as no democratic nation restricts its bilateral relations to democracies, no multilateral organization designed to achieve global objectives can restrict its membership to them. I look forward to the day when every member state of the General Assembly is democratically governed. The UN'S universal membership is a precious asset in advancing that goal. The very fact that nondemocratic states often sign on to the U.N.'s agenda opens an avenue through which other states, as well as civil society around the world, can press them to align their behavior with their commitments.

FREEDOM FROM WANT

Support for human rights and democracy must go hand in hand with serious action to promote development. A world in which every year 11 million children die before their fifth birthday, almost all from preventable causes, and 3 million people of all ages die of AIDS is not a world of larger freedom. It is a world that desperately needs a practical strategy to implement the Millennium Declaration on which all states solemnly agreed five years ago. The eight Millennium Development Goals that are to be achieved by 2015 include halving the proportion of people in the world who live in extreme poverty and hunger, ensuring that all children receive primary education, and turning the tide against HIV/AIDS, malaria, and other major diseases.

The urgency of taking more effective action to achieve these goals can hardly be overstated. Although the deadline is still a decade away, we risk missing it if we do not drastically accelerate and scale up our action this year. Development gains cannot be achieved overnight. It takes time to train teachers, nurses, and engineers; to build roads, schools, and hospitals; and to grow the small and large businesses that create jobs and generate income for the poor.

The U.N. summit in September must be the time when all nations sign up not just for a declaration but also for a detailed plan of attack on deadly poverty by which all can be judged. That summit will be a moment for deeds rather than words—a moment to implement the commitments that have been made to move from the realm of aspirations to that of operations.

At the core of this plan must be the global partnership between rich and poor countries, the terms of which were set out three years ago at the International Conference on Financing for Development in Monterrey, Mexico. That historic compact was firmly grounded in the principles of mutual responsibility and mutual accountability. It reaffirmed the responsibility of each country for its own development and elicited concrete commitments from wealthy nations to support poorer ones.

In September, all developing countries should undertake to put forward, by 2006, practical national strategies to meet the Millennium Goals. Each country should map the key dimensions and underlying causes of extreme poverty, use that map to assess its needs and identify necessary public investments, and convert that assessment into a ten-year framework for action, elaborating three-to-five-year poverty-reduction strategies for the meantime.

Donors must also ensure that developing countries that put such strategies in place really do get the support they need, in the form of market access, debt relief, and official development assistance (ODA). For too long, ODA has been inadequate, unpredictable, and driven by supply rather than demand. Although such aid has been increasing since the Monterrey summit, already with noticeable results, many donors still give far less than the target of 0.7 percent of gross national income. All of them should now draw up their own ten-year strategies to meet the 0.7 percent target by 2015 and ensure that they reach 0.5 percent by 2009.

We need action on other fronts, too. On global climate change, for example, the time has come to agree on an international framework that draws in all major emitters of greenhouse gases in a common effort to combat global warming beyond the year 2012, when the Kyoto Protocol is due to expire. We need both a commitment to a new regulatory framework and far more innovative use of new technologies and market mechanisms in carbon trading. We must also learn the lesson of December's devastating tsunami, by putting in place a worldwide capability to give early warning of all natural hazards—not just tsunamis and storms, but floods, droughts, landslides, heat waves, and volcanic eruptions.

A RENEWED UN

If the U.N. is to be a vehicle through which states can meet the challenges of today and tomorrow, it needs major reforms to strengthen its relevance, effectiveness, and accountability. In September, decisions should be reached to make the General Assembly and the Economic and Social Council more strategic in their work. Just as we contemplate creating new institutions such as a Peacebuilding Commission, we should abolish those that are no longer needed, such as the Trusteeship Council.

No reform of the U.N. would be complete, however, without Security Council reform. The council's present makeup reflects the world of 1945, not that of the twenty-first century. It must be reformed to include states that contribute most to the organization, financially, militarily, and diplomatically, and to represent broadly the current membership of the U.N. Two models for expanding the council from 15 to 24 members are now on the table: one creates six new permanent seats and three new nonpermanent ones; the other creates nine new nonpermanent seats. Neither model expands the veto power currently enjoyed by the five permanent members. I believe the time has come to tackle this issue head on. Member states should make up their minds and reach a decision before the September summit.

Equally important is reform of the U.N. Secretariat and the wider network of agencies, funds, and programs that make up the U.N. system. Since 1997, there has been a quiet revolution at the U.N., rendering the system more coherent and efficient. But I am deeply conscious that more needs to be done to make the organization more transparent and accountable, not just to member states, but to the public on whose confidence it relies and whose interests it ultimately must serve. Recent failures have only underlined this imperative.

I am already taking a series of measures to make the U.N. Secretariat's procedures and management more open to scrutiny. But if reform is to be truly successful, the secretary-general, as chief administrative officer of the organization, must be empowered to manage it with autonomy and flexibility, so that he or she can drive through the necessary changes. The secretary-general must be able to align the organization's work program behind the kind of agenda I have outlined, once it is endorsed by member states, and not be hamstrung by old mandates and a fragmented decision-making structure that jeopardize setting a central strategic direction. When member states grant the post this autonomy and flexibility, they will have both the right and the responsibility to demand even greater transparency and accountability.

DECISION TIME

In calling on member states to make the most far-reaching reform in the organization's history and to come together on a range of issues where collective action is required, I do not claim that success through multilateral means is guaranteed. But I can almost guarantee that unilateral approaches will, over time, fail. I believe states have no reasonable alternative to working together, even if collaboration means taking the priorities of your partners seriously to ensure that they will take seriously your own in return—even if, as President Harry Truman said in San Francisco 60 years ago, ''We all have to recognize, no matter how great our strength, that we must deny ourselves the license to do always as we please.''

The urgency of global cooperation is now more apparent than ever. A world warned of its vulnerability cannot stand divided while old problems continue to claim the lives of millions and new problems threaten to do the same. A world of interdependence cannot be safe or just unless people everywhere are freed from want and fear and are able to live in dignity. Today, as never before, the rights of the poor are as fundamental as those of the rich, and a broad understanding of them is as important to the security of the developed world as it is to that of the developing world.

Ralph Bunche, a great American and the first U.N. official to receive the Nobel Peace Prize, once said that the U.N. exists ''not merely to preserve the peace but also to make change—even radical change—possible without violent unheaval. The U.N. has no

vested interest in the status quo.'' Today, these words take on new significance. The U.N.'s mission of peace must bring closer the day when all states exercise their sovereignty responsibly, deal with internal dangers before these threaten their citizens and those of other states, enable and empower their citizens to choose the kind of lives they would like to live, and act with other states to meet global threats and challenges. In short, the U.N. must steer all of the world's peoples toward ''better standards of life in larger freedom.'' The U.N. summit in September is the chance for all of us to set out on that path.

Mr. VOINOVICH. Mr. President, Kofi Annan also stated there is considerable overlap between the Mitchell-Gingrich task force report and the reforms he himself is proposing, and that he is prepared to implement them.

He stated:

All of us want to make the U.N.'s management more transparent and accountable, and its oversight mechanisms stronger and more independent.

He stated:

All of us want to make the U.N.'s human rights machinery more credible . . . by replacing the present Commission on Human Rights with a Human Rights Council.

He also stated:

All of us want to impose stricter standards of conduct on U.N. peacekeeping missions, especially an end to sexual abuse and exploitation.

These statements indicate we are in a unique position with the U.N. and there is a sincere interest in reform. We have to seize this opportunity now.

When you are dealing with an organization that understands the need for reform and is echoing our objectives and is ready to cooperate, we need to send in not the ''bad cop,'' or the guy with the ''sharp elbows,'' or the guy who says, ''I don't do carrots.'' We need to send the ''good cop,'' the guy who knows how to reap the benefits of the environment for change and make it happen.

John Bolton is a bold contradiction to the efforts to improve the image of the U.S. at this critical time, as well as a contradiction to the President's efforts to ramp up public diplomacy.

John Bolton is a bold contradiction to efforts to reform the U.N. If we do not send the right person to the U.N., there is substantial risk we might lose this unprecedented and ripe opportunity to achieve important reforms.

The person we send to the U.N. will have great influence on the world's perception of the United States, our values, our decency, and will be critical to the urgent reforms that must be made at the U.N.

Our success on these issues—public diplomacy and U.N. reform—will have an enormous impact on our ability to win the war on terrorism, to promote peace in the world and, most importantly, whether we live in an America that is free from terror.

Mr. President, how many minutes do I have left?

The ACTING PRESIDENT pro tempore. The Senator has 3½ minutes.

ADVERTISING FOR PRESCRIPTION DRUGS

Mr. VOINOVICH. Mr. President, I will comment for a couple of minutes on the very fine statement the leader made in regard to the advertising for prescription drugs. I think he made a clear statement and sends a large message to the drug companies that they have to reevaluate their advertising campaign. The statement confirms the fact to the American people that we are paying more for drugs because of those advertising costs.

I think it is particularly appropriate for us to be raising this issue at this time because this year millions of Americans—Medicare-eligible people—are going to be signing up to take advantage of the prescription drug benefits of the Medicare Modernization Act. It is very important that while they are signing up and taking advantage of this new opportunity—an opportunity that I think will make the largest improvement in public health since the advent of the Medicare Program—they don't just willy-nilly have drugs prescribed for them that they may or may not need.

I think one other point needs to be made, and that is, in this era in which we live, we all have to be our own best friend. At one time, I took Vioxx. I called my pharmacist and discussed other drugs I was taking. He told me Vioxx contributed to an increase in blood pressure. I was taking other drugs to bring down my blood pressure. I decided voluntarily that this doesn't make sense and I got off Vioxx. I lost 10 pounds. Now, once in a while when I have arthritic pain, I take a Motrin. But the fact is that all of us Members of Congress and the ordinary public have to pay a lot more attention to the drugs we are taking because, as the leader said, the side effects are significant and we have to be careful about it.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

JUSTICE SANDRA DAY O'CONNOR

Mr. STEVENS. Mr. President, I have come to the floor to make comments concerning our good friend, Supreme Court Justice Sandra Day O'Connor. It has been Catherine's and my honor to have become very close to the O'Connors.

I want to tell the Senate that I think Justice Sandra Day O'Connor is one of the most extraordinary and gracious women I have ever known. She has come to Alaska often. What most people don't know is she is a very fine fisher person. I think one of the most interesting letters I ever received in my life was the letter I received from Sandra Day after she had gone fishing to a remote fishing lodge in Alaska. She was the only woman there at the time. She fished through some rainy periods and sunny periods and gave a general description of the joy she had being able to have the time to fish and to think as she did that. It was a real joy to read that letter.

I also asked Sandra Day O'Connor to come to Alaska and speak—she has been there many times—at the Anchorage Library. She gave a stirring address to mainly young women who were part of the Alaska State Bar Association. That evening, we had a dinner for Justice O'Connor, and her husband John asked for the privilege of introducing her. I want to tell the Senate that I think that was probably the most moving tribute I ever heard a husband deliver for his wife in my life.

Her husband John is a fine lawyer and a devoted husband. He told us a story of how he felt when Sandra Day got the call asking her if she would become a member of the Supreme Court. Sandra Day O'Connor, just 2 weeks ago, at my request, took a group of the Chinese delegates to the Senate-Chinese parliamentary conference to the Supreme Court of the United States. She took the time to take these Chinese representatives through the Court and explain our judicial process and how it is an essential function of our democracy to these delegates who came to meet to discuss issues of great importance to the nation of China and our own Nation. The way she handled those people and the gracious way in which she described the functions in the chamber, and took us to the courtroom and explained how the Court listens to the attorneys who present cases and how the Court reacts individually to statements, and the type of questions she puts to the attorneys who represent various litigants, was a most instructive session for our Chinese friends. Again, it demonstrated the depth of Sandra Day O'Connor. She is one great lady.

She has been an exemplary public servant who has made exceptional contributions not only to the Supreme Court but to our Nation. I think she will be remembered in this country as a groundbreaker, overcoming adversity and stereotypes. She was the first woman nominated to be a member of our Supreme Court.

She is a native of southeastern Arizona and she grew up on an isolated ranch owned by her parents. The ranch itself did not receive electricity or running water until she was seven. My wife's family had a similar experience living in another part of Arizona. I think that is one of the reasons we have become so close to the O'Connors.

She received her bachelor's degree in economics, magna cum laude, from Stanford University in 1950. After she received her bachelor's degree, O'Connor enrolled at Stanford Law School, graduating third in her class and serving on the Stanford Law Review. It was during law school that she met her husband, John.

After graduating from law school, she faced a tough job market as a female attorney. After having difficulty

finding a position in the private sector, Sandra Day O'Connor accepted a position working as Deputy County Attorney for San Mateo County, California.

When her husband John was drafted into the JAG Corps in 1953, she moved to Frankfurt, Germany with him and served as a civilian attorney for the Quartermaster Market Center from 1954–1957.

After leaving Germany, O'Connor returned to Arizona and again faced difficulty in finding employment with a private law firm. As a result, she began a small practice of her own where she practiced from 1958–1960.

In 1965, after returning to work following a brief hiatus to care for her children, O'Connor accepted a position as an Assistant Attorney General for the State of Arizona.

In 1968, she was appointed to the Arizona State Senate by the governor to fill a vacancy. O'Connor successfully defended her Senate seat in the next election, and was subsequently re-elected to two more terms. During this time, O'Connor was elected to be majority leader of the Arizona Senate.

O'Connor was elected Judge of Maricopa County Superior Court in 1975 and she served until 1979 when she was appointed to the Arizona Court of Appeals. In 1981, President Reagan appointed her as the first woman to sit on the Supreme Court and she was confirmed unanimously by the Senate.

During her time on the Court, Justice O'Connor has proven herself to be a brilliant jurist and a strong defender of the Constitution. She is known for her fairness and her desire to seek practical solutions for even the most difficult decisions the Court has ruled on.

Justice O'Connor has proven to be an independent thinker and a vigorous questioner, narrowing in on precise legal issues with laser-like precision from the bench.

She has lived up to her promise to respect the Constitution and to interpret the law judiciously, seeking the narrowest reach possible for the Court's rulings. Justice O'Connor is known for approaching each case individually, seeking to arrive at practical conclusions.

Justice O'Connor has been a great advocate for the Court. She has traveled the globe, speaking to thousands of students, lawyers, foreign dignitaries and others on the judiciary, the Constitution, and the law.

Justice O'Connor's love of this Nation, its judicial process, and the law is widely known. In her most recent book, ''Majesty of the Law: Reflections of a Supreme Court Justice'' she insightfully describes the institution of the court, its history, customs and some of its notable members.

Justice O'Connor, is ''one of the most significant historical figures of the 21st century'' and ''an inspiration to all future generations.'' Chief Judge Stephen McNamee, U.S. District Court, District of Arizona.

''[Justice O'Connor] likes to hear people's points of view. I never felt I had to agree with her to conform to her view.'' Professor Stuart Banner, professor of law at UCLA who clerked for O'Connor.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

COMPLIMENTING SENATOR TED STEVENS

Mr. BYRD. Mr. President, I always enjoy listening to my friend TED STEVENS. Ours is a long friendship, and it will be as long as the days we both live. He is going to go fishing. He loves to fish. He loves to go back to his State, which he so ably represents, and which has accorded him the great title of ''Alaska's Son of the 20th Century.'' Indeed, he is one who is entitled to that kind of recognition and respect.

THE FOURTH OF JULY

Mr. BYRD. Mr. President, many Americans will soon enjoy a long 3-day weekend, courtesy of the Fourth of July, which this year falls on a Monday.

The Fourth of July is a wonderful time. Summer's heat has not yet worn us down. School has not been out so long that the days have begun to drag for the younger set—or for their parents. We are not tired of the season or of each other. The growth of the grass has slowed, so that weekends are not spent on mowing and yard work, but leaves some time for picnics and pools. Gardens are beginning to pour forth their bounty, but not yet in such abundance that we have become desperate to unload mounds of zucchini and tomatoes. Wild blackberries. I remember when I was a boy, reaching around the shed and picking off a few wild blackberries and having the color of the blackberries stain my lips. Wild blackberries are ripening along the edges of fields and the heavy perfume of honeysuckle vines makes rural walks a feast—a feast—for the senses. The Fourth of July is a perfect time to glory in the gentle bounty of our Nation and of our Nation's families. Independence Day, together with Thanksgiving and Christmas, remains a uniquely family-oriented celebration. When Americans reflect on our freedom, our security, our liberties, our many blessings, we like to do it among our closest friends and family.

Fourth of July parades—oh man, man, man, they will bring out the crowds along community main streets, big towns, little towns, middle-size towns. Small hands—I can just see them, can't you?—small hands, little hands will clutch miniature flags as firetrucks roll past in all of their shining glory. Floats made by church groups, scout troops, and 4–H clubs will compete, each hoping to demonstrate the greatest patriotism.

After the parades, there will be family picnics and barbecues that host their own friendly competition as family cooks show off their talents at the grill or on tables laden with traditional favorites such as creamy macaroni and potato salad, slow-cooked baked beans—oh, how good they taste—deviled eggs, and chocolate cake.

The menu is not as important, however, as the feeling of family solidarity as everyone settles in after a splendid meal to watch the cascading displays of fireworks set off in the growing dusk. With the exception of some small children and family pets, such as my little dog, Trouble, that howl at the thunderous booms and high-pitched squeals of some fireworks, the general response to the evening's finale is usually a unanimous ''oooh'' after each bloom of sparks.

Even the earliest Independence Day celebrations were marked by similar displays of patriotism, often including the discharge of cannons, one for each State in the Union, and toasts, also one for each State in the Union.

On July 3, 1776, John Adams wrote to his wife Abigail and said:

> Yesterday the greatest question was decided which ever was debated in America; and a greater perhaps never was, nor will be, decided among men. A resolution was passed without one dissenting colony, that those United Colonies are, and of right ought to be, free and independent States.

That resolution was on separation from England. It was not until July 4 that the Declaration of Independence—the Declaration of Independence, there it is with my wife Erma's name on the front of the leather cover. It contains the Constitution, the Articles of Confederation, yes, and the Declaration of Independence, and some other historic documents.

The Declaration of Independence was voted upon by the Continental Congress. Adams felt that the July 2 date was the one that would be marked by celebration, but the physical presence of the declaration document, along with its stirring rhetoric, allowed it to easily usurp the separation vote tally as the turning point in history.

Eighty copies of the original declaration were printed that same night, July 4, for distribution among the rebelling colonies.

At the very first Independence Day celebrations, those spontaneous ones that followed in the days and weeks after the Declaration of Independence was adopted and distributed, the Declaration of Independence was itself a central part of the festivity, read aloud to the crowds gathered at capitols, courthouses, and public places around the newly declared nation. In New York, the Declaration of Independence was read at the head of each brigade of the Continental Army posted around the city, to loud hurrahs—loud hurrahs.

Today, as proud inhabitants of a powerful and wealthy nation, it can be difficult to recall that in 1776, the celebrations of independence must be seen as

acts of incredible bravado. In 1776, the population of the United States was estimated to be between 2.2 million and 2.9 million people dispersed over an enormous swath of lightly populated country. Some 70,000 British loyalists had fled the new United States after independence was declared. The remaining tiny population was taking on the British empire at the height of her power—a colossus five times larger in terms of population that was the greatest and richest in history since the fall of Rome and the recent victor of wars against France and Spain that left her in sole possession of much of the North American Continent. To wave flags and shoot off fireworks in celebration of the Declaration of Independence from such a behemoth was tantamount to a junior varsity football team taking on the entire National Football League for the Super Bowl and thumbing their noses to boot. In point of fact, it took everything the new Nation had to eke out a victory. There were many points during the Revolution at which the outcome was far from certain.

Even in the aftermath of victory, the future of the new Nation was fragile. Burdened by war debt, exhausted, struggling to form a workable government out of 13 highly independent new States, the new Nation limped along without even an established capital. It was not until the Constitution was drafted in 1787 and the new Capital established in Washington, DC, that the new Nation took on a sense of stability and permanence. On July 4, 1801, President Thomas Jefferson, the principal drafter of the Declaration of Independence, opened the White House to guests while the Marine Band played patriotic music on the lawn and militia units conducted military drills with fixed bayonets.

Independence Day celebrations were conducted far from Washington as well. Two hundred years ago, July 4, 1805, found the Lewis and Clark expedition traveling along the upper Missouri River in Montana. LT William Clark noted in his journal that the group honored the day with as much of a feast as they could muster, drank the last of their brandy, and pulled out the fiddle for dancing and merriment until ''a late hour.'' I am especially pleased to note that fiddle playing was part of the day's celebration. In my younger days, family gatherings always included some fiddle playing, a little singing, and maybe a little dancing. It is a tradition as old as the Fourth of July.

I hope, Mr. President, that on this Independence Day, many Americans may enjoy a little fiddle music—it keeps you down to Earth—a healthy dollop of patriotism, and the pleasure of family. As we celebrate the day with friends and families at home or out amid our Nation's beautiful wild spaces, I hope all of our citizens will spare a moment or two to read the Declaration of Independence. Let us remember that each person who signed that Declaration of Independence virtually was signing his own death warrant. After all, they could have been charged with treason against the King and hanged. Think of it.

The colonists rebelled against a government that was arbitrary, unjust, high handed, and unwilling to even hear the concerns of those it governed. They rebelled against a tyrant who made the military independent of and superior to civil authority, who imposed taxes without their consent, deprived them of the benefits of trial by jury, cut off their trade, abolished their laws, and fundamentally altered the form of government, suspended their legislatures, captured their people at sea, and forced them to bear arms against the colonists, and ignored their pleas for justice, these things among many other grievances.

On the Fourth of July, Americans celebrate and honor the tremendous vision of our Founding Fathers, their incredible courage, and their willingness to take on a fight that must have seemed a desperate gamble. We celebrate a document that laid out for all the world to see just what kind of a nation we aim to be and just what kind of a government we would never stand for—we should never stand for.

The Declaration of Independence is more than a piece of paper. The Declaration of Independence is more than a piece of history. It is a vow for the future, a call to battle, and the cornerstone of a new nation. As we watch the flags snap and pop in the breeze as the parade swings past, recall the words of the Declaration that put troops on the march to take on the King's armies. Each citizen, each family, has much to be grateful for as a result of that document.

And so, Mr. President, let me read briefly from that beautiful Declaration:

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

On this Fourth of July, let us honor and let us recall the generations of brave Americans who have fought on and off the battlefield to preserve our freedom, and then let us remember the words of Henry Van Dyke's poem ''America For Me.''

Tis fine to see the old world, and travel up and down
Among the famous palaces and cities of renown,
To admire the crumbly castles and the statues of the kings;
But now I think I've had enough of antiquated things.
So it's home again, and home again, America for me!
My heart is turning home again, and there I long to be,
In the land of youth and freedom beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.
Oh, London is a man's town, there's power in the air;
And Paris is a woman's town, with flowers in her hair;
And it's sweet to dream in Venice, and it's great to study in Rome
But when it comes to living there is just no place like home.
I like the German firwoods, in green battalions drilled;
I like the gardens of Versailles with flashing fountains filled;
But, oh, to take your hand, my dear, and ramble for a day in the friendly [West Virginia hills] where nature has her way!
I know that Europe's wonderful, yet something seems to lack:
The past is too much with her, and the people looking back.
But the glory of the present is to make the future free;
We love our land for what she is and what she is to be.
Oh, it's home again, and home again, America for me!
I want a ship that's westward bound to plough the rolling sea,
To the blessed land of room enough beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.

—*Henry Van Dyke.*

Mr. President, I yield the floor.

Mr. BENNETT. Mr. President, I will say to my friend from West Virginia, I had occasion to live abroad for 2 years, and as I caught the ship to come home again, westward bound—I suppose that dates me because now you go by plane—I recited that poem. It is good to hear it recited on the floor of the Senate in the shadows of the Fourth of July.

While I was waiting and heard the Senator from West Virginia urge us all to read the Declaration of Independence, I took the copy that is in my desk and I read it through so I can report to him that I have done my homework.

Mr. BYRD. I thank the Senator.

(The remarks of Mr. BENNETT pertaining to the introduction of S. 1379 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

JUSTICE SANDRA DAY O'CONNOR

Mr. CORNYN. Mr. President, I rise to mark a historic occasion, and that is the retirement of our Nation's first female Supreme Court Justice, Justice Sandra Day O'Connor. As the father of two daughters who are now 22 and 23, I

appreciate in so many ways the career of Justice Sandra Day O'Connor, but one of the ways I appreciate her career is that she has paved the way toward the highest accomplishment for women in our society, and for that I shall be grateful always.

She was Justice O'Connor, after all, born in El Paso, TX—I have to remind my colleagues of that—on March 26, 1930. She married law school classmate John Jay 0'Connor III in 1952 and raised three sons: Scott, Brian, and Jay—all while managing, as many women do in our society today, a career and family at the same time, but in this instance demonstrating and living out one of the most remarkable legal and political careers in our history.

She received her undergraduate and law degrees at Stanford University and graduated third in her class. She then served as deputy county attorney in San Mateo County, CA, and then as a civilian attorney for Quartermaster Market Center in Frankfurt, Germany. She later served as assistant attorney general of Arizona and then as a member of the Arizona State Senate. As one who has now served in the executive branch and the judicial branch of State government in Texas and now serves in the legislative branch in Washington, the kind of service Justice O'Connor has had in all of her varied and important positions during her career has well prepared her as a Justice on the Court and understanding both the opportunities and potential and the limitation of government to do good in our country and in our society and what questions can be resolved by government and which questions are best reserved to the people.

In 1975, she was elected judge of the Maricopa County Superior Court and served there until 1979, when she was appointed to the Arizona Court of Appeals. In 1981, it was President Ronald Reagan who nominated her as Associate Justice to the U.S. Supreme Court. She has written two books, ''Lazy B'' and her most recent, ''Majesty of the Law.''

Justice O'Connor has played a leading role in some of the Nation's most contentious legal disputes in recent years. And she has provided a critical voice of judicial restraint on a number of important issues on which the Court is closely divided 5 to 4.

She authored the Court's 5–4 majority opinion upholding the three-strikes-and-you're-out law for repeat convicted criminals. She wrote the Court's plurality opinion in Hamdi, affirming the President's legal authority to detain enemy combatants in wartime and thus preserving a key tool in the ongoing global war on terrorism. She provided the critical fifth vote protecting the First Amendment freedom of association of the Boy Scouts. She has provided the critical fifth vote in case after case after case, involving the important role that States play in our federalist system of Government, and in the protection of religious liberties and religious expression in the public square.

Justice O'Connor has made important contributions to our jurisprudence, even when she was not part of the Court's ruling majority. Just last week, she penned an important dissent on behalf of private property rights against overreaching and ever-growing government—and against the 5–4 majority ruling in Kelo which has attracted so much national attention and outrage this past week. Last year, she provided a critical voice in defense of the voluntary recitation of the Pledge of Allegiance in public schools, even though a majority of her colleagues refused to do so. And 2 years ago, she demonstrated respect for precedent when she refused to join the Court's controversial majority opinion in Lawrence v. Texas, the 2003 decision that inspired State and Federal court rulings and local government actions against traditional marriage laws nationwide.

Throughout her 24 years of service on the Nation's highest court, Justice O'Connor worked to restore common sense to our criminal justice system and due regard for the power reserved to the States under the Constitution, and to limit restrictions on faith in the public square. Thanks to Sandra Day O'Connor, victims of crime are more likely to receive justice, and inner city children are no longer constitutionally barred from access to school choice programs. Although I have not always agreed with her rulings, I have always felt a deep and abiding respect for her commitment to public service, her reverence for the law, and her regard for her fellow man and woman.

In a time when so many controversial issues divide Americans of good will, it is especially critical that our Federal courts, led by our Supreme Court, be steadfast in its interpretation and application of the law as it is written, and for our courts to avoid picking winner and losers in the great political debates of our day. Under the steady hand of Sandra Day O'Connor, America has weathered some of the most heated legal controversies our Nation has ever endured—and for that, the American people will forever be grateful.

Today's historic announcement also raises an important question about the Senate and the role we will play in the confirmation process of the President's selection to succeed Sandra Day O'Connor on the Supreme Court. Moments ago the President called upon the Senate for a dignified process, and I think we should heed that call. We should conduct ourselves in a way worthy of this great body, which has served the Nation for more than 200 years, and which time after time after time, when there has been a vacancy on the Court, has done its job, providing advice and consent, asking hard questions, investigating the background of the President's nominees—but ultimately providing an up-or-down vote to each and every one of the President's nominees to the U.S. Supreme Court.

The process for considering the next Associate Justice should reflect the best of the American judiciary—not the worst of American politics. We deserve a Supreme Court nominee who reveres the law—and a confirmation process that is civil, respectful, and keeps politics out of the judiciary.

As I wrote in an op-ed piece this past Monday in National Review Online, which I had printed in the RECORD yesterday, history affords us some important benchmarks for determining whether the Senate has undertaken a confirmation process worthy of the Court and of the American people. There is a right way and a wrong way to debate the merits of a Supreme Court nominee. The Senate's past record, unfortunately, has been mixed.

Whoever the nominee is, the Senate should focus its attention on judicial qualifications—not personal political beliefs. Whoever the nominee is, the Senate should engage in respectful and honest inquiry, not partisan personal attacks.

I wish to congratulate Sandra Day O'Connor on her extraordinary life and commitment to public service. I wish her and her family well. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

ARMY SPECIALIST JULIE HICKEY

Mr. DEWINE. Mr. President, as we approach the celebration of America's Independence Day, I am reminded of something that President Franklin D. Roosevelt once said about the ideals we hold dear. He said this: ''In the truest sense, freedom cannot be bestowed; it must be achieved.''

That was certainly true of our Founding Fathers when they established America's freedoms and independence over 225 years ago. And, it is still true today of the men and women in our military who are serving around the globe to achieve freedom in nations that have never, ever known it before.

Today, I rise to recognize the contributions of an exceptional young woman whose mission it was to protect our freedom here at home and to promote its achievement abroad. I pay tribute to her now as we approach the Fourth of July—a date that is significant not just because she embodied the ideals it represents, but because it marks the anniversary of this brave young woman's death.

Army SPC Julie R. Hickey, of Galloway, OH, died at Landstuhl Regional Medical Center in Landstuhl, Germany, on July 4, 2004, from diabetic complications. She was 20 years old.

Julie Hickey was born on January 17, 1984. Growing up, she was a fun-loving child with a gift for making friends. Her younger sister Rachel says that Julie was always the shoulder to cry on and also the person who wanted to make sure you had fun.

Julie was very loyal and very protective of her friends. She was 5 feet and 11 inches tall and built to shelter and stand up for them. Julie's friend, Audria Daniels, remembered a time when she was having a fight with an old boyfriend. Displaying the personal courage that would serve her so well in the Army, Julie stepped right into the middle of this particularly heated exchange and said, ''You can't talk to her like that.'' Even though the young man stood 6 foot 8, he quickly backed down. Looking back, it makes perfect sense that Julie would dedicate her life to standing up for others in need. She'd been doing it all her life.

Julie attended Westland High School in Galloway, OH. During high school, she enlisted in the Army Reserves and completed the Civil Affairs Specialist Course at Fort Bragg, NC. She graduated from Westland High in 2002, and, wanting to earn money for college, she joined the Army Reserves. Julie had been planning to start school at The Ohio State University in the fall of 2003, but before she could realize that dream, Julie was called to serve in Operation Enduring Freedom.

Julie was deployed to Afghanistan as a member of the 412th Civil Affairs Battalion, where she was assigned to the Provincial Reconstruction Team in Asadabad. As part of this team, she provided humanitarian assistance to the Afghan people, particularly women and children in need. Seeing the unfair way that women were treated in Afghanistan, Julie again decided to stand up. During her time there, Julie gave impassioned speeches to women's organizations about how they needed to fight for their rights.

Following one particular speech, Julie's mother, Melody, recalled this:

> One of the women came to see her afterward and told her through an interpreter that it made them happy to see Julie wearing pants and working beside men. She said it gave them hope for the future.

For women who had grown up in oppression, Julie Hickey was an inspiration—a hopeful example of what they, too, could be.

Ask anyone who knew Julie Hickey, and they would tell you about her passion for her work. As her mother said:

> [Julie] loved her job. She spent some of her time working at a medical clinic, where she assisted children. She would teach them personal hygiene. She taught them a little English—how to count from one to 10 and say ''Groovy, man!''

Julie's work was direct—one-on-one with people—and she could see, firsthand, the good she was doing on the faces of the women and children with whom she worked. Julie was the type of ambassador that the United States depends on in our efforts to spread the great blessings of freedom and democracy in a part of the world still troubled by violence and fear.

More than anyone, Julie's mother understood her commitment to serving others in the fight for freedom. She once said that Julie strongly believed that we need to ''appreciate everything [we] have. We have so much here just because we were born [in the United States].'' Julie never took this wonderful gift for granted. In fact, she spent her life paying it back through her service to others.

Tragically, Julie's life of service was cut short by diabetes. Julie's mother said that their family has a history of diabetes, but that Julie hadn't been diagnosed with the illness before she left for Afghanistan. Even a preliminary medical exam didn't reveal anything abnormal. However, when Julie fainted at work one day, she was stabilized and moved to a hospital in Bagram. Only then and there was she diagnosed with diabetes.

Julie Hickey was transferred to Landstuhl on June 30, 2004. She went into insulin shock and died on the Fourth of July—the day before she was to be sent to Walter Reed Army Medical Center.

The sudden nature of this tragedy struck all of Julie's friends and family. Her mother said that Julie was planning her wedding to another soldier and that she was going to be honorably discharged. According to Julie's family, one of the deepest disappointments is that Julie would never get to become a mother and have ''the children she longed for.'' Given the love and compassion she demonstrated all throughout her life, Julie clearly would have made a wonderful mother.

Julie's awards hardly do justice to the full breadth and depth of her service. But, they do illustrate how special this young lady was. Her awards include the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the National Defense Service Medal, and the Army Service Ribbon.

While these awards are, indeed, impressive, there is, perhaps, a better symbol of Julie's service. On a 2-week leave in late May of 2004, Julie brought home with her a burqa—the head-to-toe covering that many Afghani women wear. One of the women she had been working with gave this to her. Julie was buried with that burqa in her casket. It was a fitting reminder of the profound impact she had on the life of so many Afghan women.

As Julie's mother Melody has said, it is, in some respects, fitting that Julie passed away on the day of our Nation's birth. On this July Fourth, let us remember Army SPC Julie Hickey's dedication to freedom and learn from this splendid 20 year old about what it truly means to be an American.

HONORING OUR ARMED FORCES

SPECIALIST JAMES ''JIM'' MILLER

Mr. DEWINE. Mr. President, I today honor the memory of Army SPC James ''Jim'' Miller, IV. The West Chester, OH, native died on January 30, 2005, when an improvised explosive device hit his convoy near Ramadi, Iraq. He was 22 years old.

That date—January 30, 2005—should sound familiar. It was an historic day on which Iraqi citizens participated in their first, truly democratic election. And Jim Miller, an Army medic, was an integral part of that remarkable day.

Having already treated three of his wounded comrades, Jim could have stayed at an aid station to wait out the dangerous Election Day. Instead, he volunteered to go back out to the streets and help safeguard Iraqis waiting at polling places. To some, Jim's choice to do that might have seemed like an extraordinary act. But, with Jim, such actions were typical. That's just the way he was—always choosing to be brave, always choosing to be selfless. He was, indeed, a hero.

Jim Miller was one of those people who left an impression on everyone he met. He was always courteous, polite, and quick to laugh—a laugh that those who knew him describe as soft, gentle, and distinct. Jim was a very intelligent young man—wise beyond his years. His pee-wee football coach and mentor, John Hayden, said of Jim's intelligence:

> He had the most sophisticated, elaborate vocabulary of any young boy I'd ever seen. [After every football practice], he would send me home looking to the dictionary for what he had called me that day!

The oldest—and biggest—of three brothers, Jim had many passions, one of which was football. In pee-wee football, he was an offensive lineman who proudly called himself a ''B-U-B,'' or ''Big Ugly Body.'' Jim excelled at football and played until his sophomore year at Anderson High School. But, according to John Hayden, under the large, intimidating physique, Jim was still just ''a big teddy bear. . . . He was . . . a sensitive kid with a lot of depth.''

Tragically, during his sophomore year of high school Jim's mother, Alice, died of breast cancer. He turned inward to find purpose and solace. At that time, Jim discovered another passion—and that was music. He started a band, in which he played the guitar, and during his senior year, he signed up for music theory and music history classes.

His principal, Diana Carter, remembers him as a ''very bright, insightful, and mature young man—an independent spirit.'' She was also impressed with his decision to take music theory and music history because it was an extra bit of dedication to music that many musicians don't exhibit. It seems Jim was always a bit more dedicated to the things he was passionate about.

Jim graduated from Anderson in 2001 and decided to attend Xavier University and study English. After 18 months, though, Jim realized that college was not providing him with the fulfillment he desired. As his father, James Miller, III knew, ''[Jim] was the type of kid who was always looking inside himself.'' When he looked inside himself, Jim found that what he really

wanted was to join the Army. He enlisted in April, 2003. He completed basic training at Fort Sill, Oklahoma, and then decided to train as a medic at Fort Sam Houston in Texas.

Becoming an Army medic was the fulfillment for which Jim searched. He felt a sense of purpose and pride in saving the lives of his fellow servicemembers. Father Harry Meyer, who presided at the funeral liturgy, said this about Jim:

[He was a] sensitive young man who was struggling to find his place in this world. He found himself as a medic and had decided to pursue a career in the medical field. He was happiest when he was able to serve others and felt helpless when he could not.

In planning for the future, Jim hoped to work in a trauma unit someday, so he could continue to provide life saving assistance to those in dire need.

After a year as a medic in Korea, Jim was deployed to Iraq in August of 2004 with the Army's 1st Battalion, 503rd Infantry Regiment, 2nd Infantry Division. Jim believed in his mission in Iraq and, according to his father, Jim found that most Iraqis he talked with believed in it too: ''He was surprised to find out that the Iraqi people were fed up with the insurgents and wanted to take back their country.'' True to his nature, Jim became determined to help the Iraqi people realize their dreams of freedom.

It was Jim's usual ''extra bit'' of determination that led him back out to the streets of Iraq on Election Day. He was determined that the Iraqi people would be free to vote safely.

In the beginning of my remarks I called SPC James Miller a ''hero.'' But, in today's world, what does that term truly mean? To define Jim Miller's heroism I turn to Ralph Waldo Emerson, who wrote:

A hero is no braver than an ordinary man, but he is brave 5 minutes longer.

Jim decided to leave the safety of college and enlist in the Army. In doing so, he was brave 5 minutes longer.

Jim dutifully answered the call of his country when he was deployed to Iraq. In doing so, he was brave 5 minutes longer.

On January 30, 2005 Jim—Doc Miller—volunteered to protect the lives of Iraqis waiting to vote. In doing so, he was brave five minutes longer.

That is why I choose to call him Jim Miller a hero.

My wife Fran and I continue to keep Jim's father and stepmother, James and Jodi, and his brothers, Dan and Jeff, in our thoughts and prayers.

SPECIALIST RYAN MARTIN

Mr. President, at all military funeral services it is traditional for a lone bugle to sound ''Taps.'' It is a powerful piece of music that calls us to remember the fallen and honor their sacrifice. Upon its origin, however, ''Taps'' was actually a common bugle call that signified ''Lights Out.'' The call told soldiers that it was time to end their activities and conversations and turn in for the night. The history of ''Taps'' is significant because it reminds us not only of the sacrifices of the men and women it is played for, but also of the men and women, themselves.

That call for ''Lights Out'' has been played for countless service men and women as they were undoubtedly talking with each other about their homes, or about their spouses and children, or about just a hot shower or a good meal. These men and women were and are heroes who put their lives on hold to safeguard the lives of others. Taps plays as much for the lives they gave up as for the lives they gave.

I today honor one of these heroes—Army SPC Ryan Martin, from Mt. Vernon, OH, who gave his life on August 20, 2004, near Samarra, Iraq, when a roadside explosive detonated near his vehicle. He was 22 years old.

Ryan Martin, the youngest of three boys, grew up enjoying hunting, sports, and fixing cars. He was always willing to help his father, Tom, work on his cattle farm. With his keen mechanical skills and interest in fixing cars combined with his love for the outdoors, Ryan was a big fan of ''mud running.'' This is a recreational or competitive activity in which 4 x 4 vehicles navigate a course of thick, muddy terrain. According to Matt Hull, one of Ryan's friends, Ryan planned to buy some land when he returned from Iraq and create his own place for mud running—a place where he could enjoy being outside and spending time having fun with his friends and family.

Ryan had a knack for ''hands-on'' work and mechanics. These skills led him to study at Knox County Career Center. Ryan graduated from Mt. Vernon High School and the Career Center in 2000, with training as a carpenter. He then spent a few years working with heavy machinery at construction sites.

The September 11th terrorist attacks changed everything for Ryan. According to his father, the attacks had a profound effect on Ryan. He felt a sense of duty to protect his country and to seek out those who had harmed so many. And so, after much contemplation, in April 2003, Ryan enlisted in the Ohio Army National Guard. He then volunteered for active duty in February 2004.

Ryan wanted to be part of the effort to rebuild Iraq, hastening the development of democracy and making the world a more stable and safe place for all of us. He operated bulldozers, excavators, and mine clearing machinery with the 216th Engineering Battalion, based out of Chillicothe, OH. At its core, Ryan's service to our country was a humanitarian service to the Iraqi people. He used his mechanical expertise to build roads, dig foundations for new buildings, and clear deadly mines from roads and fields.

Ryan built not only infrastructure in Iraq, but also lasting friendships with his fellow soldiers. According to his stepmother, Jackie Martin, on the eve of a 2-week leave from Iraq, Ryan said that ''he was looking forward to coming home, but when it came time to pack up, he didn't want to leave his buddies. He really made some good friendships and bonded with others while he was there.''

Ryan is remembered fondly by his friends and comrades, who called him ''Little Bear''—referencing his 6′ 2″, 240 pound body. One of his buddies, Sergeant Ron Eaton, recalls Ryan's sense of humor:

[Ryan would] get us to laugh in extremely harsh situations. I remember talking in our bunks one night, and hearing him tell of how he purchased a semi truck just after this 16th birthday, without his parent's knowledge. They made him sell it back, but knowing Ryan, that's just the kind of thing he would do.

Risking his life to protect his friends was also the kind of thing Ryan would do—and did do. Ryan's father, Tom Martin, said that at a military ball he attended after Ryan's death, a general came up to him and told him that ''when there was trouble, [Ryan] didn't stand behind people and he didn't stand beside them—he stood in front of them.''

Ryan was always willing and eager to volunteer for dangerous missions, missions that had the protection of others as their goal. In the words of one of his commanding officers:

Ryan [made] work much safer for other soldiers.

When he was killed, Ryan was doing just that: making the area more secure for his comrades, as he helped clear deadly mines and other detonation devices from the vital highway so his fellow soldiers—his friends—could do their jobs more safely.

Mr. President, as we all know, our Armed Forces are made up of men and women from all of our communities, people who are volunteering their time, sacrificing their safety and their lives to serve on our behalf. It is through their service that they spread democracy and help make our world safer.

That is what Ryan Martin did. He built roads and houses, cleared mines, and made friends. In doing all of it, he was making the world a better place. He ultimately gave his life, a life that was just beginning, and he did so so that others could have a fresh start and a better tomorrow.

Mr. President, when I mentioned earlier the calling of ''Taps,'' I did not mention the words that go along with the bugle call. Let me now read those words:

Day is done,
Gone the sun,
From the Earth, from the hill, from the sky.
All is well,
Safely rest,
God is nigh.

While the men and women for whom ''Taps'' is played are gone from this Earth, we can take solace in knowing that they may now ''safely rest.'' The Sun may have set, but it will rise again and a new day will dawn. And with every new day, we will always remember the sacrifice and service of those who have fallen.

My wife Fran and I continue to keep Ryan's family in our thoughts and in our prayers.

ARMY STAFF SERGEANT AARON REESE AND ARMY SERGEANT TODD BATES

Mr. President, I, today, honor two men from Ohio who gave their lives in the defense of freedom. Army SSG Aaron Reese and Army SGT Todd Bates were from two different parts of Ohio. They grew up with different life experiences and different kinds of opportunities. However, when both became members of the 135th Military Police Company of the Ohio Army National Guard, their lives became irrevocably linked.

All of our armed services, all of our Armed Forces' members, serve this country with pride and with a sense of duty. Whether it is a mission deep in the mountains of Afghanistan or a night patrol on the Tigris River or in the back alleys of Fallujah, the men and women in our military serve with a great sense of responsibility for the safety and security of those in their own units. They care about each other. Our men and women in uniform feel a unique connection to each other. They see each other as brothers. They see each other as sisters. And they are willing to put their own lives on the line so their comrades will be safe. They do it every single day.

It was this dual sense of duty—to their country and to their fellow service members—that put Staff Sergeant Reese and Sergeant Bates in harm's way on December 10, 2003. You see, their squad was on a night patrol boat mission on the Tigris River. At some point during the mission, Staff Sergeant Reese, who was the squad leader, lost his balance, and he fell from the boat, plunging into the swift, murky waters of the Tigris.

Seeing his leader fall into the river, Sergeant Bates acted immediately. He quickly discarded his heavy body armor and weapon, and, without a life jacket, he dove into the river in an attempt to save Staff Sergeant Reese.

Mr. President, Members of the Senate, tragically—tragically—the river was too strong for them both.

In William Shakespeare's play ''Henry V,'' the title character delivers a stirring call to arms to rally his troops. Within this St. Crispin's Day speech, Henry tells his men that one day each one of them would ''strip [their] sleeves and show their scars,'' proud that they had fought and proud in knowing that they were a ''band of brothers''—a ''band of brothers.''

Aaron and Todd can no longer strip their sleeves and show us their scars, and so it is up to us to do that in their honor. It is up to us to remember their lives—lives that they each gave for our country and for their brothers.

Aaron Reese was from Reynoldsburg, OH. He grew up, however, in Elida, OH, where he attended Elida High School. Aaron worked hard at both academics and athletics. His Latin teacher, Mike Herzog, said Aaron was ''one of those you can't forget—always working hard, always smiling. He didn't have a bad day. He was always in a positive mood.''

Aaron was a hurdler on the Elida Bulldogs track and field team and a defensive back on the football team. Aaron participated in sports with a quiet confidence. His principal, Don Diglia, cites Aaron's team-oriented personality as his biggest leadership quality:

He was the kind of guy who was content on being on the team instead of being the star of the team. He was a team player all around. . . .

After graduating from Elida in the year 1990, Aaron decided to put his leadership qualities and physical prowess to the test. So he enlisted in the U.S. Army. He served 7 years. While on active duty in Central America, he met the love of his life. He married the love of his life, Emilia, and then they became the proud parents of a son, Anthony, and a daughter, Nicole.

Wanting to spend more time with his new family, Aaron joined the Ohio Army National Guard. While serving in the Guard, Aaron also attended the Ohio State University and Columbus State. He planned to join the Cincinnati Police Department when he returned from Iraq.

Aaron had been serving in the Guard for nearly 6 years when his unit was called up for Operation Iraqi Freedom. It was hard for Aaron to leave his wife and his son and his new baby, Nicole, who had been born only a few months before he was deployed.

SGT Sheri Brown remembers seeing Aaron saying goodbye to his family in February of 2003 and describes it this way:

His toddler son was playing in the snow. Aaron wept as he cradled his baby and tried to say a few last words to his wife.

Aaron Reese cared for his family, but he also felt a strong obligation to his country and to his unit. It was an obligation that was not foreign to the Reese family. Aaron's grandfather, Paul Shafer, served in World War II. His uncle, James Shafer, was killed in Vietnam in 1967. Aaron also had two other uncles who served in the Armed Forces. As Aaron's father, Ed Reese, said:

What you will see in our family is the red, white, and blue.

Indeed, Aaron's military heritage, experience, and leadership ability gave him confidence in his mission. The 135th Military Police Company was responsible for the safety of their fellow soldiers, for the training of Iraqi police, and for various support missions.

Aaron Reese proudly led his unit in their tasks. Mr. President, 1LT William F. Lee had this to say of Aaron's service in Iraq:

I had the privilege of leading this outstanding noncommissioned officer in Operation Iraqi Freedom. I have known Aaron for many years. We have served many deployments together—some good and some not so good. Aaron executed his duties with exceptional performance and was one of my best leaders.

First Lieutenant Lee's comments are a ringing endorsement of Aaron's consummate professionalism and dedication. He was a model soldier, someone whom others not only looked up to but also tried to emulate.

SGT Timothy Haskamp had this to say:

I had the great opportunity to serve with Aaron. Over the months in Iraq, he taught me how to be a good NCO. He wasn't just a fellow soldier and my squad leader, he was a friend and someone who would do anything he could for you. I can only imagine what a good father and husband he must have been. As I continue my service, I will remember everything he taught me and teach those things to all who serve under me in the future.

For those who served with Aaron, he was an anchor of strength, an experienced leader, who made it his personal mission to keep his men and women safe. April Engstrom, Aaron's sister, said that her brother loved the soldiers in his squad and wanted to protect them. Todd Bates' actions on that night in December, however, really speak to the love Aaron's squad also had for him.

Aaron Reese leaves behind a wife, two small children, and a loving family. But he also leaves a legacy of leadership. He made a sacrifice so that his children and our children can live in a safer world. And for that a grateful Nation honors and remembers him.

Army SGT Todd Bates was 20 years old when he dove into that dangerous Tigris River to try to save his squad leader, Aaron Reese. Todd Bates spent his all-too-short life growing up in Bellaire, OH, where he was raised by his grandmother, Shirley Bates. Todd was a fun-loving kid, who was loved dearly by his friends and family. One of his lifelong friends, Richard Kendle, remembers growing up in Bellaire with Todd. This is what he had to say:

I knew Todd all my life. We went to school together from kindergarten on up through graduation. I remember the many days that I used to go over to his house and play video games. Or, we'd go out in his backyard and shoot his BB gun. I remember the meals that his grandmother prepared for us after a day of play. Todd and I never had much growing up . . . but we never knew it. We had families that loved us and a friendship that would never die.

Family and friends are important in Bellaire, OH. For many young men and women who grow up there, the two most promising paths to success are sports and the military. Todd Bates realized this and applied his tireless work ethic to both endeavors. At Bellaire High School, Todd excelled on the ''Big Reds'' football team. But he did not do so through just raw talent. Rather, Todd worked his way into the starting lineup. He worked his way there.

More often than not, if you wanted to find Todd, all you had to do was look in the football weight room. His coach, John Magistro, thought Todd was humble, genuine, caring, and unselfish. And I quote him:

He was a good player and he worked really hard.

Todd's work ethic and attitude were recognized by his teammates on the 2000 ''Big Reds'' team. They voted him one of their cocaptains. And under Todd's leadership, Bellaire reached the State playoffs that year.

Todd was recognized in Bellaire for being a leader of the football team, for being a quiet and respectful young man, and for his beloved car—called the ''Bates-mobile,'' by most people. His football coach remembers Todd, often in the school parking lot long after practice had ended, under his car's hood, trying to get it started. Reverend Donald Cordery also remembered the ''Bates-mobile.'' Reverend Cordery was an assistant football coach and a mentor to Todd. One day after practice, he asked Todd for a ride home:

I said, ''Bates, what's the chance I could get a ride in your car?'' He said, ''Pastor Don, do you really want to take a ride in my car?'' I said, ''Bates, with my looks and your car, the ladies will be out!''

Todd was respected by his peers, his teachers, and his community, but he wanted more. He wanted to go to college. He knew, though, that he wasn't going to be able to secure a football scholarship. Financially, that left Todd with very few options. So, after graduating from Bellaire High School in 2001, Todd decided to join the Ohio Army National Guard to make money for college.

But, like many things in Todd's life, it wasn't easy. He had played as a lineman in high school and he had the body of a lineman. Todd was 6 feet tall and 250 pounds—not quite the ideal weight for a National Guardsman. Todd needed to lose some weight if he hoped to get into the Guard. To qualify, Todd loaded a backpack with 50 pounds of weight and walked eight miles a day. He repeated this workout until he had lost fifty pounds. Todd was, indeed, a remarkable young man.

As with his dedication to losing weight and to football, Todd brought the same focus and work ethic to his career in the Army. His drill sergeant, Jason Patrick, from Ft. Leonard Wood said this about Todd:

Todd was a remarkable soldier and person—always striving to be the very best and fully committing to every task at hand. I watched this fine young American grow from civilian to soldier. I watched as he endured everything I could throw at him. I am proud to have trained him and extremely proud of all he accomplished.

After being deployed to Iraq in February of 2003, Todd continued to outperform the expectations of his commanders. Brigadier General Ronald Young said of Todd, ''[He] was an exceptional soldier . . . He served his assignments with great distinction, and his commanders have recognized his dedication to duty and personal leadership on several occasions.''

Todd had a passion for what he was doing in the Guard and as with his other passions in life, he was the standard for hard work and excellence. While he was certainly a very focused young man, Todd also had a terrific sense of humor and never took anything too seriously.

The other members of his unit remember Todd as a funny guy who was always trying to make tough, stressful situations a little easier with a joke. At the same time, Todd was always looking out for the other members of his unit. He felt connected to them—like they were all a big, extended family, who believed in the National Guard motto: ''Of the troops, for the troops.''

When Todd Bates jumped into the Tigris River on that cold, December night, he was not thinking of himself. He was only thinking of his squad leader—his friend, his ''brother,'' Aaron Reese.

Both Aaron Reese and Todd Bates gave their lives not thinking of themselves, but only thinking of us. They put our lives, Iraqi lives, and the lives of their fellow service men and women before their own. We will never forget their sacrifices.

My wife, Fran, and I continue to keep the families of Aaron Reese and Todd Bates in our thoughts and in our prayers.

CHILD SURVIVAL AND MATERNAL HEALTH

Mr. DEWINE. Mr. President, the Senate Appropriations Committee this week took an important step. That step was in providing $275 million to the Child Survival and Maternity Health Programs. I congratulate the full committee for this work. I also congratulate the subcommittee, chaired by Senator MCCONNELL, and Ranking Member LEAHY, for the bill they reported which contained this money. I want to use this occasion and the passage of this bill—in the future, it will be coming to the Senate floor with this language—to share some important statistics about child and maternal mortality.

It is so very important that we understand what this money can do. I am often hesitant to recite statistics on the floor of the Senate because when you hear them repeatedly, it is all too easy to become numb to statistics, to forget the human realities that they do, in fact, represent.

It is important for all of us and for the American people to listen to some of these statistics because they are so unbelievable and so tragic and because they do represent human lives. These are lives that can be saved, lives that can be saved by making resources available to developing countries and people who are in such great need. Let me recite some of these statistics.

Today, over 10 million children under the age of 5 die each year from preventable and treatable diseases and ailments. These include diarrhea, pneumonia, measles, and, yes, malnutrition. It is an unbelievable figure. Of those 10 million deaths worldwide, 3.9 million occur in the first 28 days of life. These babies don't even have a shot at getting as old as 2 or 3 or 4 or 5. Yet two-thirds of these deaths could be prevented if available and affordable intervention had reached the children and their mothers who need them. Malnutrition contributes to 54 percent of all childhood deaths. As many as 3 million children die annually as a result of vitamin A deficiency. An estimated 400,000 cases of childhood blindness are reported each year, children who are condemned to going about their lives blind. These are preventable. Of the 130 million babies born each year, about 4 million die in the first 4 weeks of life. In poor communities many babies who die are unnamed, unrecorded, indicating the perceived inevitability of their deaths. Four hundred fifty newborn children die every hour, mainly from preventable causes.

According to World Health Organization estimates, over 4.4 million children died from vaccine-preventable diseases in 2001, diseases such as hepatitis, polio, and tetanus. Of all the vaccine-preventable diseases, measles remain the leading childhood killer, claiming the lives of 745,000 children, more than half of them in Africa.

Such staggering numbers of children dying from preventable diseases is unacceptable. It is up to us—the Congress, the Senate, people in the developed world, the United States, around the world—to change this tragic human reality. We have an obligation to make this change because we have the know-how, we have the resources to prevent these deaths.

The Lancet, a British medical journal which ran a series of articles last year about child survival, just published a new study indicating that the lives of an estimated 6 million children could be saved for as little as $1.23 per child. Yes, for as little as $1.23 per child in the 42 countries with the highest rates of child mortality, 23 lifesaving interventions could be made universally available. These interventions, many of them as basic as vitamin A or zinc supplements, are critical to preventing the deaths of millions of children.

The full Appropriations Committee has agreed to provide this $275 million for child survival in the Foreign Operations bill. This is very significant. It is an important step in our efforts to improve the health of children around the world. This funding will save lives. I urge my colleagues to support this funding level when the bill comes to the floor. I urge my colleagues, when the bill then goes to conference committee, to keep this funding in that bill as well.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF JUSTICE SANDRA DAY O'CONNOR

Mr. MCCAIN. Mr. President, today we have learned that one of our Nation's finest jurists will step down from our highest court. Despite her departure from the Supreme Court, Justice Sandra Day O'Connor will leave a lasting mark on American jurisprudence characterized by fairness, balance, and integrity.

Justice O'Connor's career and service to our Nation have been truly remarkable. This country will miss her presence on the Supreme Court dearly.

Some have said that no other individual in our Nation's history has come to the Supreme Court under greater expectations. Not only did Justice O'Connor meet these expectations, she far exceeded them. When President Reagan nominated and the Senate unanimously confirmed Justice O'Connnor in 1981, she became the first woman to sit on the Supreme Court and, over time, she grew to be one of the crucial swing votes on the court—her decisions driven both by her conservative sensibilities and also by her practical nature.

Justice O'Connor grew up on the Lazy-B Cattle Ranch in southeastern Arizona. She learned to drive at age 7 and could fire rifles and ride horses by the time she turned 8. Perhaps it was her Arizona roots that fueled both her pragmatism and her desire to succeed.

Mr. President, after high school, Justice O'Connor attended Stanford University where she majored in economics and graduated with high honors. A legal dispute over her family's ranch, however, inspired her interest in law and her decision to enroll at Stanford Law School. Justice O'Connor completed law school in only two years, but she still managed to serve on the Stanford Law Review and receive highest honors. O'Connor graduated third out of a class of 102. First in the class was fellow Arizonan William H. Rehnquist. I suggest that maybe we should turn to Arizona once again for a Supreme Court nominee, considering the track records of Justices O'Connor and Rehnquist.

In law school, Justice O'Connor also met her future husband, John Jay O'Connor, a fine man and husband.

Mr. President, Justice O'Connor faced a difficult job market after leaving Stanford. No law firm in California wanted to hire her and only one offered her a position as a legal secretary. Later, in Arizona, she again found it difficult to obtain a position with any law firm, so she started her own firm. It is truly remarkable to realize just how far Justice O'Connor has risen during her life despite the adversity she has faced.

After she gave birth to her second son, Justice O'Connor withdrew from her professional life to care for her children. Nevertheless, she became involved in many volunteer activities during this time. She also began an involvement with the Arizona Republican Party. After five years as a full-time mother, Justice O'Connor returned to work as an assistant State Attorney General in Arizona. Arizona Governor Jack Williams later appointed her to occupy a vacant seat in the Arizona Senate. O'Connor successfully defended her Senate position for two more terms and eventually became the majority leader. By rising to the position of majority leader, Justice O'Connor achieved another first for American women.

In 1974, Justice O'Connor ran and won a judgeship on the Maricopa County Superior Court, which resulted in her service in all three branches of Arizona government. A year later, she was nominated to serve on to the Arizona Court of Appeals. Almost two years after that, President Reagan nominated her to the Supreme Court to replace the retiring Justice Potter Stewart. The Senate rightly confirmed O'Connor's nomination unanimously and the Court soon abandoned its use of ''Mr. Justice'' as the form of address. Justice O'Connor herself described the significance of her nomination in the following way. She said, ''A woman had never held a position at that level of our government. And it was a signal that it was all right that women could be in such positions. That they could do well in such positions.''

Mr. President, Justice O'Connor brought to her position on the Supreme Court her remarkable life history characterized by independence, perseverance, and achievement. Early in her tenure on the Court, observers identified her as part of the Court's conservative faction. The public often associated her with Justice Rehnquist because of their shared roots and values. Over time, though, Justice O'Connor combined her conservative sensibilities with a desire to find pragmatic solutions based on sound legal interpretation. She approached each case thoughtfully.

It will be difficult to fill the void that Justice O'Connor's resignation has created, nor can anyone assume a similar place in American history. There can be only one first, and Sandra Day O'Connor was it.

Mr. President, very rarely do I presume to speak on behalf of all of the citizens of my State of Arizona. But I know, with confidence, that I do so now when from the bottom of our hearts we thank Justice O'Connor for her magnificent service to her State and to her Nation. She and her magnificent husband John will be in our thoughts and prayers as they enter the struggle ahead. We are confident that with her traditional courage, she will face this new challenge and emerge victorious. We thank her for her service. We thank her for her family. We are, most of all, confident that Americans and Arizonans will remember her with great pride.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

BEST WISHES TO JUSTICE O'CONNOR

Mr. KENNEDY. Mr. President, I join my friend and colleague, the Senator from Arizona, Mr. MCCAIN, in extending my best wishes to Justice O'Connor and thank her for her long and dedicated service to the Nation. She was a cheerful and thoughtful and highly respected member of the Court, a wise judge who served the Nation and the Constitution well.

Justice O'Connor was a mainstream conservative and was confirmed unanimously by the Senate. I hope the President will select someone who meets the high standards that she set and can bring the Nation together, as she did.

Our Senate debates in recent weeks have included extensive discussions on the need for consultation by the President with the Senate on potential Supreme Court nominations. But such consultation was not mentioned by the majority leader in his address on judges earlier this week, and the omission is glaring, since consultation is the heart of the ''advice'' requirement in the constitutional requirement that the President appoint judges with the ''advice and consent'' of the Senate.

Under the Constitution and the Senate rules, every Senator's hands are on the oars of this vessel. If a substantial number of us are rowing in the opposite direction from the majority leader, we will not make much progress. But if there is a consensus as to where we want to go, we can get there directly and quickly.

The 14 Senators who reached the landmark bipartisan compromise in the nuclear option debate made a pledge to one another and a plea to the President that the advice function must not be given short shrift, and that serious consultation with the Senate in the nomination process is the key to a successful confirmation process.

Separate and independent assessments of nominations by each Senator are precisely what the Framers wanted us to do. They wanted Senators to be a check on the Executive's proposed judicial selections as a safety net for the Nation if the President overreaches by making excessively partisan or ideological nominations.

Mr. President, all one has to do is read the debates of the Constitutional Convention. Our Founding Fathers considered where to locate the authority and the power for the naming of the judges on four different occasions. On three occasions, they gave it unanimously to the Senate—to nominate and to approve. And only in the last 8 days of the Constitutional Convention did they change that to make it a balance between the Executive and the Senate of the United States.

No fair reading of the debates at the Constitutional Convention or the Federalist Papers does not recognize that this is a shared responsibility. The best way we carried that shared responsibility was if there is a recognition by the Executive that he or she—if at a time in the future we elect a woman—has the prime responsibility to nominate; but the final aspect of consenting is in the Senate.

The process works best when there is consultation. It works best when, as we have seen when the leader of the conservative movement in this country, Ronald Reagan, took the opportunity to select Sandra Day O'Connor, who received a unanimous vote in the Senate, a true conservative. But President Reagan was setting the path for that time, and for future times, about how to proceed.

That is the opportunity this President has at the present time. We hope he will be inspired by what President Reagan did in terms of the nominating process.

Just this past week, several of the members of the group of 14 spoke on the floor of the Senate. Just last week, Senator PRYOR gave a compelling explanation of the agreement. He said that he was puzzled because people are ignoring a section of the agreement that is as important as any other section, the part dealing with advice and consent. He spoke of the past days ''of bipartisan cooperation between the executive and legislative branches of Government.'' He pointed out that he was a signatory to a unanimously supported letter from the Senate minority to the President calling for consensus and cooperation and calling for bipartisan consultation—the best path to a fair and reasoned confirmation process.

He did not demand that the President sit down with the 14 or pretend that they will supplant the Senate Judiciary Committee and its leaders. But he did urge the President to seek the counsel of Senators from both parties as he makes future nominations. ''Their insight,'' Senator PRYOR said, ''could help the President steer a smoother course when it comes to judicial nominations. . . . Just as the 14 Senators did their part to smooth the way for future judicial nominations, the White House [can] do their part by reaching out to the coequal branch of Government.''

How can anyone argue with that wise prescription? How can anyone ignore it, since it comes from one of those who helped bring the Senate back from the brink of disaster? A President would have to be extraordinarily imprudent not to give it great weight.

Another of the signers on the agreement, Senator SALAZAR, wrote to the President last week with a clear message:

A wide ranging and good faith consultation between the executive and the Senate, as contemplated by the Founding Fathers, is the best way to smooth the path to rapid Senate consideration for all judicial nominations but will be especially important if a vacancy arises on our Supreme Court.

Another of the 14 signers, Senator NELSON of Nebraska, mentioned his own experience in selecting judges. In his letter to the President, he pointed out that even though as Governor he was not required to obtain the advice and consent of his legislature, nevertheless he consulted a great deal with them and found it ''a very worthwhile and successful process.''

He encouraged President Bush to reach out to both sides of the aisle ''so we can move forward on future nominees in a positive and less contentious manner.'' Without this consultation, he said, there could be difficulties, especially regarding future Supreme Court nominations, that might provide the basis for blocking an up-or-down vote which otherwise might not exist.

Even the President has said—once—that he would consult with Senators on judicial nominations, and I urge him to do so. But as yet, there has been no meaningful consultation with the Senate. As the minority leader has made clear, off-the-cuff casual discussions about how nice it would be if a Senator were the choice is not meaningful consultation. To be meaningful, consultation should include information about who the President is really considering so we can give responsive and useful advice.

White House officials made time to meet last week with prominent outside allies on the right who are so sure the President will nominate a nonconsensus candidate that they have put an $18 million war chest in place to defend their nominee. Their advice to the President was clear: They would consent to and support any rightwing judge he selects for the High Court. No wonder he likes to get their advice and consent.

The American people deserve a Senate that will be more than a rubberstamp for a Supreme Court nominee. A Senate that walks in lockstep with the White House is not doing its constitutional job. It is not doing the job the American people sent us here to do: to protect their rights and freedoms.

If the President abuses his power and nominates someone who threatens to roll back the rights and freedoms of the American people, then the American people will insist that we oppose that nominee, and we intend to do so.

Mr. President, I hope President Bush will follow Ronald Reagan's example and ignore the advice and arguments of those who prefer an ideological activist. He knew that the best thing for the country would be someone who we could all unite behind, and he chose such a person: Sandra Day O'Connor.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF JUSTICE SANDRA DAY O'CONNOR

Mr. BROWNBACK. Mr. President, I rise today to discuss the retirement of Justice Sandra Day O'Connor from the U.S. Supreme Court. First, I wish to applaud her public service that has been part of her entire life. She is a fantastic role model; she is a role model to two of my older of five children. My two older daughters have seen her as someone who moved into an area that had not been occupied by a woman before—the Supreme Court of the United States. One of my daughters got to meet with her at one time. It was quite an event in her life, being able to see a woman on the U.S. Supreme Court at a young age. And that has been replicated, of course, with Ruth Bader Ginsburg. Women have broken through. That will continue to be the case, and will continue to be an inspiration to people throughout the world in general, and my family in particular.

Justice Sandra Day O'Connor was raised in southeastern Arizona on her family's ranch. Her humble beginnings contributed to her appreciation for common sense and limited government, which she carried forward on the Court. She received her undergraduate degree from Stanford University; one of the great schools of our country. At Stanford, she successfully pursued a degree in economics and graduated third in her class at Stanford Law School. It was during law school that she met her husband John.

As a young female attorney, Justice Sandra Day O'Connor faced great adversity in finding employment. It does not seem possible that someone graduating third in their class from Stanford Law School would face this problem. But those were different times, and she was a woman and was looking for employment in the private sector.

She persevered, accepted a position as deputy county attorney for San Mateo County in California, where she served with distinction.

In 1958, Justice Sandra Day O'Connor began a small private practice in her native Arizona.

In 1965, after returning to work following a brief hiatus to care for her children, Justice O'Connor accepted a position as an assistant attorney general for the State of Arizona.

In 1968, she was appointed to the Arizona State Senate by the Governor to fill a vacancy. During O'Connor's tenure in the State Senate, she demonstrated wisdom and excellence to become the majority leader.

O'Connor was elected judge of Maricopa County Superior court in 1975 and served until 1979 when she was appointed to the Arizona Court of Appeals.

In 1981, President Ronald Reagan fulfilled his promise to nominate the first

woman to the Nation's top Court. Justice Sandra Day O'Connor was confirmed unanimously by the Senate.

It is hard to think of a Supreme Court nominee getting a unanimous confirmation in this body today, but it happened in 1981.

Justice O'Connor's life is a testament to perseverance, integrity, and appreciation of constitutional government. She served as a role model to a generation of women in the legal profession. I commend her for her 24 years of dedicated service to the U.S. Supreme Court.

In her letter to the President announcing her retirement, I was impressed by Justice O'Connor's reference to the ''integrity of the Court and its role under our constitutional structure.'' I think it is important to remember that in our system of government, the courts have but limited jurisdiction: they should neither write nor execute the laws, but simply ''say what the law is,'' in the famous phrase of former Chief Justice Marshall. As Alexander Hamilton explained, this limitation on judicial power is what would make the Federal judiciary the ''least dangerous branch.'' They were not meant to resolve divisive social issues, short-circuit the political process, or invent rights which had no basis in the text of the Constitution.

Unfortunately, the courts in recent years have not kept themselves within the circumscribed role envisioned by the Framers. Hamilton himself likely would be shocked at the broad sweep of the exercise of judicial power in America: Federal courts today are redefining the meaning of marriage, removing the role of faith in the public square, running prisons and schools by decree, enhancing Federal power at the expense of the States and, just last week, radically expanding the power of government to take private property from one individual and hand it over to another in the name of public use; by 5-to-4 decisions—5 for, 4 against. The expanded role assumed by the Federal courts generally in recent years makes it all the more important that the upcoming nominee exhibit the proper respect for the restrained role of the Federal courts in American Government, staying within the text of the Constitution.

Given the President's repeated statements during his campaign that he would pick Justices who would faithfully interpret the text of the Constitution and the resonance his position had with the American people, I am confident that he will nominate a well-qualified individual who will refrain from making law from the bench.

I will conclude by simply saying, in the confirmation process, I hope this body can take a position where we hold fair hearings, where the nominee is not maligned by outside groups seeking to cast aspersions that are clearly not there, or trying to paint an individual where the factual setting is not there; that it will be a process of 51 votes and not 60 votes, that there will not be a filibuster for this Supreme Court nominee position. It should not be an extraordinary circumstance. The position is to be filled by a majority vote of this body, not by a supermajority vote of this body.

I hope we could move forward with a confirmation process through the Judiciary Committee, on which I and the Presiding Officer serve on, in a timely and reasonable fashion; that we could bring the nomination in front of this body, have a robust debate on it, and then vote. The person either goes on the Supreme Court or they do not go on the Supreme Court—by 51 votes. That is what it should be. I think that is clearly the case of what was anticipated by the Framers in the overall process.

I see my colleague from Texas is here, who is to speak on the floor. I do want to end by again commending Sandra Day O'Connor's lifetime of service, the inspirational role that she has played for many people in this country—to people in my family. I thank her and say Godspeed to her and her family, and I am sure she will continue to serve this Nation.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise today to talk on two issues. First, I think everyone is talking about Sandra Day O'Connor and the great contribution she has made to our country. I am pleased to say she is a friend of mine. I have gotten to know her because we have many of the same parts of our background. Sandra Day O'Connor was born in El Paso, TX, and she actually graduated from high school in El Paso, TX. She grew up on a ranch in Arizona, and it was, of course, a remote place, so her parents sent her to high school in Texas to try to make sure she received a first-rate education.

I think we see from her record in college and law school that she did, indeed, receive fine preparation. She was one of the brightest students to come out of Stanford Law School, graduating right at the top of her class along with her classmate, William Rehnquist.

Sandra Day O'Connor is a person who has overcome obstacles, and she has done it in the most graceful way, in a way that is a role model for girls in our country, for women in our country, because she has always kept a positive attitude. When she couldn't get a job out of Stanford Law School, graduating right at the top of her class, she cajoled an offer from the county attorney in the county where Stanford was located, and was able to win that first job. Then, of course, she excelled from that time forward.

She has excelled in everything she has done. She became the leader of her party in the State Senate in Arizona. She was plucked from the State court of appeals to become a member of the U.S. Supreme Court.

When you think about it, to be thrust into this national limelight as the first woman to become a Supreme Court Justice in our country, in 1981, this was a glaring spotlight for a young woman from Arizona who was on the court of appeals at the State level. Yet President Reagan saw something in her that was quite special. He saw that she had the leadership abilities and the basic grounding and the intellect to take this job. He really took somewhat of a chance because she wasn't the well-known commodity that Supreme Court Justices usually are. But he knew the time was right to appoint a woman to the U.S. Supreme Court and he found the woman who was the right one for the job. She earned her place in history.

As she announces today that she is taking her retirement, I think all of us who know her and have admired her for so many years do want to wish her well. We believe she deserves this wonderful opportunity to have some time for herself.

Sandra Day O'Connor also was named to the National Cowgirl Hall of Fame. That is another connection that we have. This is a wonderful museum in Fort Worth, TX, that honors the cowgirls of our country who have made a difference, the cowgirls who have shown that ranching life and that independent spirit can be the basis for success that is really unmatched. Sandra Day O'Connor is in the Cowgirl Hall of Fame and she is a real cowgirl. She did grow up on a ranch. She talks about her childhood where they didn't even have running water in her home. Growing up like that made her hardy and able to overcome obstacles.

She has made quite an impression on the Court as well. Sandra Day O'Connor has been one of those people on the Court who is a strict constructionist and who is an intellectual who is sometimes considered a swing vote, but you always know that her conservative philosophy is one that is very careful not to make laws from the bench but allows lawmakers to make the laws of our country.

I think her opinion as the dissenting opinion in the most recent case on eminent domain shows that basic conservative philosophical underpinning, saying it would be outrageous to expand public purpose in eminent domain to include private projects, even if they are private projects that are going to enhance the tax base of the city. That is not what the Constitution intended in its preservation of private property rights.

I think Sandra Day O'Connor has made an impact on the Court and an impact on our country.

I want to end my talk about Sandra Day O'Connor reading from an interview I did with her when I was interviewing for my book ''American Heroines,'' interviewing the women of today who are breaking barriers, the women of today who are the first at something that is important. Sandra Day O'Connor, of course, the first woman on our United States Supreme Court, was one of those I interviewed.

I asked her what was her most important trait for success. And she said something I think is especially important to note today, on the day she announces her retirement. She said:

I am blessed with having a lot of energy. I think I inherited it from my mother. But to be a working mother requires an enormous amount of energy to do your job and to manage to take care of your family and to go nonstop all the time with never any personal downtime. I can't remember a time in my life when I had time for myself.

I think on the day that she is announcing her retirement, to have that time for herself, makes us understand that this is a woman who deserves, finally, to have her time for her family.

She said:

Another attribute that perhaps has been helpful is a curiosity about things, how things work. I think a love of learning and finding out about things is useful. And, third, probably, is liking people. Enjoying talking to them, whoever they are with whatever lifestyle or standard of living. I have always enjoyed talking to people. I think I got that, maybe, from my grandmother, in Texas.

So that is just one excerpt from an interview with an extraordinary woman, a woman who made her mark in the history of the United States and who will always be remembered, as we wish her well in her retirement, as one of the leaders of our time, the leaders of the last century who, indeed, did break an important barrier.

VETERANS HEALTH CARE

Mrs. HUTCHISON. Mr. President, I want to talk about the Veterans' Administration issue that we dealt with this week in the Senate. I want to bring us up to date, where we are, to try to fix some of the problems that Secretary Jim Nicholson has brought to our attention. We were hoping that the Veterans' Administration would not have financial difficulties this year. But I have to say that Jim Nicholson stepped right up to the plate when he saw that, in fact, we would have a shortfall this year, and we would need to borrow from capital funds and maintenance funds in order to make ends meet by the end of this fiscal year, September 30. He came straight to Congress. He didn't try to hide it. He didn't go and try to Band-Aid the Veterans' Administration. He came absolutely public, to the Congress, and said: We have a problem. Even though he did not anticipate it, even as late as a month ago.

But, in fact, models that have been used for 20 years in the Veterans' Administration have had to change because we do have veterans now coming out of the war in Iraq and Afghanistan. There are more injuries and fewer deaths in this kind of conflict, and I think we are proud there are fewer deaths and we are proud these soldiers who are injured are going to be taken care of.

The Senate voted unanimously this week to amend the appropriations bill that was on the floor with an emergency supplemental of $1.5 billion. This was the initial estimate Secretary Nicholson gave to the Committee on Veterans' Affairs about what they would need to get through the 2005 fiscal year and take them into 2006 with their preliminary estimates.

Last night, the House of Representatives passed a bill for $975 billion as an emergency supplemental, just taking care of the year 2005. That now is resting in the Senate.

I have talked to Secretary Nicholson today. I talked to Josh Bolton at the Office of Management and Budget today. I have asked them to come back to the Senate the week of July 11, and tell what they project their needs to be for 2006. As chairman of the Veterans Affairs Appropriations Committee, along with my colleague Senator FEINSTEIN, who is the ranking member, we want to have all of the information before we mark up our 2006 budget for the Veterans' Administration which will occur July 21. I asked Secretary Nicholson and the Office of Management and Budget director to determine what is going to be needed in 2006, and if they can give us that number and assure the money will be transferred into the budget for 2006, then the Senate would pass the House bill and send it to the President so that 2005 would be taken care of. We did not want to pass that bill until we know the 2006 number is finite so we can assure we will take care of the 2006 deficit in projections. We must try to do this in July to get our appropriations bills going.

We are going to come back July 11 or 12. Hopefully, we will have numbers next week that will allow us either to pass the House bill that will take care of 2005, knowing exactly what we will need to take care of 2006, or send the $1.5 billion that has already passed the Senate over to the House to take care of 2005 and take us into 2006 with a cushion if the Veterans' Administration says they cannot make good estimates for the rest of 2006 at this time. That is where we stand.

Here is the point I make: The Veterans' Administration, the President of the United States, the Office of Management and Budget Director—the Office of Management and Budget being responsible for being the steward of the President's budget—the Democrats on the Committee on Veterans' Affairs, the Republicans on the Committee on Veterans' Affairs, all working together along with the House of Representatives, are going to do what is right for veterans. We will not make this a partisan issue. We will not make it some test between any function of Government. We are going to do what is right for the veterans who have served our country, who are protecting freedom for our children. The money will be there. There will not be one iota of service not given to a veteran today or next week or next year. That is our commitment to them. It is part of the war on terrorism.

Democrats and Republicans are going to work together. The President is going to assure we do. The Veterans' Administration and the Office of Management and Budget are going to do the right thing. And Secretary Nicholson has already done the right thing by coming forward in a public way, being criticized by some for having made these mistakes, but saying, I am not going to let this pass for one more day. We are going to do the right thing.

Everyone is working together. We will do the right thing by the veterans. We will have a supplemental appropriation. We will get a bill to the President in very short order to make sure not one stone is left unturned to give our veterans the best care possible for the great service they have performed for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

JUSTICE SANDRA DAY O'CONNOR

Mr. BOND. Mr. President, I rise briefly to say thank you, congratulations, and best wishes to an outstanding person, a truly remarkable jurist. That is, of course, Sandra Day O'Connor, who announced her retirement today.

A lot of people can say many good things about her service on the Court, her interpretation of the Constitution. We have heard many discussions about the wise judgment she has made.

I reflect a little bit as a personal acquaintance. Going back over 30 years when I visited my parents in Arizona, I had the opportunity to get to know John and Sandra Day O'Connor. We played a lot of tennis together. Incidentally, they are both very good tennis players. John has a great, somewhat wacky sense of humor. Sandra Day O'Connor is a truly wonderful, remarkable, warm human being.

She wouldn't tell the stories publicly, but there are a number of stories her friends know about the extra measure of kindness she showed to people in need, people who are very ill, people who were suffering. She went out of her way quietly and demonstrated a human kindness and compassion that was significant.

As has already been outlined, she had a great record, great educational record, a record of great service. When I met her, she was majority leader of the Arizona State Senate. I was Governor of Missouri. We were recruiting people to run for Governor of Arizona. I thought Sandra Day O'Connor would make a great Governor of Arizona. I made it my cause to recruit her on behalf of the Republican Governors Association to run for Governor. Then one day she told me, I have decided I am going to take a seat on the bench. I am going to become a judge. In one of those famous comments that lives with you forever, I said: Sandra Day O'Connor, it is a dead-end job being a judge in Phoenix, AZ.

I was dead flat wrong. When I welcomed her to Missouri to address the

bar association as Madam Justice of the Supreme Court, needless to say she took great delight in relating that wonderful advice I had given her to run for the Governor of Arizona. We have been very pleased to have her back several times, and as far as I can tell she has never failed to mention that story.

I mention that story only to say she was right, once again, and she has contributed honorably and significantly to the judicial service of this Nation.

I can only say on behalf of those who were her constituents, as Americans, and those who know her as a friend, we wish you the very best. We go forward with our deep gratitude for all you have contributed and our very best wishes for health, happiness, and a long life.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia is recognized.

SUPREME COURT NOMINATIONS

Mr. WARNER. Mr. President, today our President, President Bush, spoke so eloquently upon learning of Justice O'Connor's desire to step down and spend more time with her husband. I think that is such a beautiful and warm way to send a message all across America.

I say, with a deep sense of humility, I consider her a friend. I am privileged to know her. I know her husband. He loves the outdoors. He loves the golf game. They are a wonderful couple who have inspired America.

It is interesting, I also heard, this morning, another broadcast in which a retired Federal circuit court judge—an individual well known to the Senate, well known to America—in commenting upon this retirement, did so in a way that left me troubled. That is what brings me to the floor. I am not sure he paid the respect this great Justice is owed. I will let people who desire to look at his remarks.

But then he said, in so many words—and used the word—that the Senate advice and consent process today is ''corrupt.'' That moved me to the point where I felt compelled to speak out today.

What a privilege it has been for me, on behalf of Virginia, to stand on this floor for 27 years and to participate in debates and vote for the best interests of our Nation and the Commonwealth of Virginia.

As I look at Justice O'Connor's record, it exemplifies to me a quotation from Shakespeare that I have always tried to follow: Unto thine own self always be true.

The record will show and history will record the magnificent way in which she discharged public office not only in the Supreme Court but, indeed, back in the legislative body of her beloved State of Arizona.

I will participate with my colleagues in this debate, this careful and fair and objective consideration of that individual selected by our President. As sure as I am standing here, I am confident that when it reaches the vote—and I think we will have an up-or-down vote; I will certainly do what I can to ensure that takes place—the American public will look back upon the duty of the Senate, under the Constitution, as having been fulfilled with dignity and in a manner to reflect confidence within this great Nation and our citizens.

As you know, Mr. President, the executive branch, with the President, has a role in this nomination coequal to that of the Senate. In studying history, the role of the President is set out so carefully. I did this research when I worked with the ''Gang of 14,'' which I will mention here momentarily.

But Alexander Hamilton, in Federalist Paper No. 66, said:

> It will be the office of the President to nominate, and, with the advice and consent of the Senate, to appoint. There will, of course, be no——

I repeat: ''no''——

> exertion of choice on the part of the Senate. They may defeat one choice of the Executive——

I hope that does not happen in this case——

> and oblige him to make another; but they cannot themselves choose—they can only ratify or reject the choice of the President.

How clear that is. And working with Senator BYRD and the other members of the 14 Senators who got together—and, by the way, I think the work of that group reflects credit on this institution—some six Federal judges are now serving our Nation as a consequence of their work, work which I always felt was in support of the Senate leadership and their valiant efforts to see that the consideration by Senators of nominees be fair and expeditious.

But in the context of our sort of agreement—and I quote from it——

> We [the 14] believe that, under article II, Section 2, of the United States Constitution, the word ''Advice'' speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. We encourage the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration. Such a return to the early practices of our government may well serve to reduce the rancor that unfortunately accompanies the advice and consent process in the Senate.

As it has in contemporary times.

The Founding Fathers put the word ''advice'' in there, drawn from our English language, clearly defined in dictionaries and by precedent. It simply speaks to the role of the Senate and its ability to counsel with the President. I am confident that will take place.

This is a magnificent opportunity for the President, this nomination, in so many respects. Clearly, he is fully entitled, under the Constitution, to select an individual whose philosophy is basically consistent with the core values of our President and his goals that he wishes to achieve, not only during the course of his Presidency but with confirmation, judicial nominees remain on for some 10, 15, 20, 25 years—long after the President has stepped down from office. So that shows you the value of this nomination.

But in this instance, our President has an opportunity, against a background of troubled times in our country. We are engaged in a very difficult war on terrorism.

Great sacrifices are being made by our country. He can step forward and be a uniter, not a divider, in this nomination by selecting someone who will gain the confidence of the majority of Americans, someone who will enable the two aisles here to remove the center aisle, and we can join in a bipartisan way and give strong ratification to the President's choice.

It is interesting. I went back to General Eisenhower. I reached back 50 years to examine the manner in which the President and the Senate worked together under this advice and consent clause. In that 50-year period, there have been 27 total nominees. Fifteen, better than half, were passed by the Senate either with voice vote—and as the Presiding Officer knows full well, that means total unanimity in the Senate—or with more than 80 votes, so 3 by voice and over half of those by 80 votes. Only 1 of the 27 passed by fewer than 60 votes, that threshold that describes the filibuster. Three were rejected by the Senate and one withdrew. To me, that shows action in history for a half a century, consistent with what the Founding Fathers devised in this magnificent Constitution of ours.

That individual selected by the President—I suppose he or she, as the case may be—will be labeled a conservative. That is fine. That doesn't trouble me at all. That doesn't divide. That is consistent with the President's basic philosophy. But if we can put on the bench of the highest Court in the land, a Court that decides literally decisions which affect every one of us—every single American is affected by their decisions—an individual who will begin with the confidence of the American public as reflected in a strong bipartisan vote in this Chamber, that will be a great legacy for the President as a uniter and not a divider.

I wish to reflect on the consultation. I am confident it will take place. There is no way of trying to describe it. It is up to the President. It is within his discretion. But I have confidence it will take place in a manner that history will document that will be more than adequate for the purpose.

I also listened to a report this morning where one group has been gathering

funds. They said they had $20 million ready to throw behind the President's nominee. Another group had an equal amount of money to throw behind such opposition as to mount against the nominee. They have a perfect right under freedom of speech, the magnificence of this country, but it would be my hope that they will play a constructive role and not look at this great moment in history of the selection of a Justice to the Court as something likened to a Super Bowl where the sides get in and start the clash. Rather, they should view themselves as being in consultation with the Senate—Senators individually and collectively—and do it in a constructive way.

I remember so well the role of the outside groups in that extraordinary chapter of Senate history with regard to the Schiavo case. History will record the viewpoints of many as to how it was done. I myself will forever be concerned about the role, in particular, of the Congress and, most specifically, the Senate. I remember Palm Sunday when only three Senators, myself and two others, were on this floor, at which time we didn't have time to speak. We could only include a written statement which is in the CONGRESSIONAL RECORD. And I did so, expressing my disagreement with having the Senate go on record as supporting a greater role of the Federal judiciary.

I felt the tenth amendment clearly established the prerogatives of the several States to handle matters of this type. I was the sole ''no'' vote that day. But only three Senators acted. The news broadcast said the Senate of the United States has decided. I will often reflect on that moment as to whether it did. Although accurate, three Senators can act on behalf of the body, but that was an example of where the outside interested parties became quite overbearing and in some ways distorted the important issue. I don't disagree with those who felt different than I. But they obfuscated and overdramatized the issue.

There is nothing more important than trying to save a life. I understand that. I respect that. But I use that as an example to say, we cannot, in my judgment, in these troubled times in our history experience another chapter such as that.

This nominee, I am confident, will be one who, first, with the selection by the President and then, in the course of review by the Judiciary Committee and the full Senate must be viewed as one committed to uphold and support the Constitution of the United States. The term ''activist'' jurist is one that troubles me and, indeed, many people, because it is the Congress of the United States with regard to Federal legislation and the respective 50 State legislatures. They are the bodies to write the law, not the State/Federal judiciary.

We have seen a tendency recently for opinions to reflect a decision that doesn't necessarily rest on the core values of the Constitution but, rather, the core values of the writers of the opinion.

I hope we see that this process moves forward and reflects great credit on our President and credit on this institution. As I say, the gang of 14 played a constructive role in the history of this body. The question was the use or nonuse of what was termed ''the nuclear option'' to set aside the 60-vote rule of the Senate. It is my fervent hope we don't reach that option—that option is still on the table; the record is clear—that we don't have any tendency or recourse to go to that because in these troubled times, when this country needs to be united, we would not want to send to the Supreme Court, by virtue of a vote under the doctrine of the nuclear option, that individual who would be tattooed for life. That is not what we need.

We want that individual to go up there with the full confidence and trust of the American people, the widest margin of people that could possibly be drawn together, and to represent them and to make decisions which they will perceive were done by that individual and the other members of the Justices of the Court that are in the best interest of the country and each individual American.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RETIREMENT OF ROBERT ABBEY

Mr. REID. Mr. President, I rise today on the occasion of his retirement, to honor the 27 years of public service of Robert V. Abbey of Reno, NV. Bob hails originally from Mississippi. He was born in Clarksdale and earned his bachelor's degree in Resource Management at the University of Southern Mississippi. Over the past 8 years, I am proud to say he has become a Nevadan.

Bob began his public service working for the U.S. Army Corps of Engineers. Later he moved to the Bureau of Land Management where he has distinguished himself as a dedicated land manager, visionary leader, and exceptional citizen.

Bob's early career at BLM included tours of duty as a budget analyst in Washington, DC; assistant district manager in Yuma, AZ; district manager in Jackson, MS; and associate and acting State director in Colorado. Since the fall of 1997, Bob has served as the Nevada State diretor of the BLM. His job may very well be the toughest in Nevada and perhaps in the ranks of the BLM; in any case, it is among the most important for both.

Although his address has changed many times during his career, his commitment to public lands and public service has never wavered. The West and Nevada are better for it.

Today, Bob Abbey leads a staff of 750 employees who manage 48 million acres of public land in Nevada. He has led the Nevada BLM during an exciting and historic time. Increased public land use, record population growth, evolving management mandates and shrinking budgets represent just a few of the challenges facing the Nevada BLM. Bob Abbey has handled every difficulty with grace and vision.

During his tenure, Bob directed the implementation of the Southern Nevada Public Lands Management Act. This is no small task given that Clark County, NV leads the Nation in sustained growth and development and ever increasing recreational use of public lands.

Bob and his staff also helped me and the other members of the Nevada congressional delegation in the development of the Clark and Lincoln County land bills. These bills were among the most significant public lands legislation in the 107th and 108th Congresses, respectively, and Bob's leadership helped make them possible.

Bob's motto that we have more in common than our differences has set the tone for the best working relationships between Federal land managers and Nevadans in my memory. He has inspired his employees to solve problems, take pride in their work, and serve the public with distinction. The results serve as testament to his character, courage, and conviction.

At the end of next week, Bob Abbey will retire from Federal service with a remarkable record of achievements. But perhaps his greatest contribution as a land manager will come to fruition while he is enjoying his retirement with his wife Linda.

After wildfires devastated vast swaths of rangeland in Nevada and other Western States in 1999 and 2000, Bob played a key role in crafting a blueprint for rangeland and ecosystem restoration in the West. The so-called Great Basin Restoration Initiative is a grand vision and roadmap for healing the landscape in Nevada. Unfortunately, to date, the BLM and Department of Interior have yet to match Bob's vision with appropriate funding. It is my hope that this is a temporary delay and that one day soon, a thriving Great Basin ecosystem will serve as the enduring legacy of Bob Abbey's public service.

Although I regret that Bob Abbey is retiring, I know I speak for thousands of Nevadans when I thank him for his exemplary public service and wish him well with his future endeavors. We know Bob has made Nevada and our Nation a better place.

ENERGY POLICY ACT OF 2005

Ms. SNOWE. Mr. President, the United States has a long history of creativity and innovation when it comes to energy. But, somehow we cannot seem to break away from our dependency on foreign oil as the dominant energy source. It is clear that we must

begin a new chapter for energy use as we begin the 21st century through new sources and new means of both generating and saving energy, in particular, for the energy security of our Nation. I am pleased that the Energy Policy Act of 2005 at least starts us down this path.

The bipartisan bill passed by the Senate this week attempts to look broadly at our energy needs and at new technologies. Innovation has been the bedrock of this nation's economic growth and it will be essential once again in transforming the way energy is produced and consumed, not only in the United States but around the world.

Fuel cell technology is just one example of this ingenuity—offering a clean, secure, efficient, distributed and dependable source of energy. I am pleased that the Lieberman-Snowe fuel cell bill is part of the overall bill as it should be part of our national energy strategy. New sources of energy and energy efficiencies can and must be developed and launched in the marketplace for the benefit of both our own national security as well as the American consumer. At the same time, conservation, and decreased energy consumption through greater energy efficiencies are also a necessity.

I am particularly pleased that the bill contains a number of energy efficiency tax incentives I have championed that will benefit my state of Maine as well as the rest of the nation. Specifically, this bill provides important tax incentives for the construction of energy efficient commercial buildings, and renovation of old existing buildings—including schools and other public buildings—as well as residential buildings that produce a 50 percent reduction in energy costs to the owner or tenant—as compared to a national model code that was part of S. 680, Efficient Energy Through Certified Technologies and Electricity Reliability, or EFFECTER, Act that I have introduced with Senators FEINSTEIN, MCCAIN, and DURBIN.

The bill also contains a tax credit for new energy-efficient homes that save as much as 30 to 50 percent of the heating and cooling energy costs, as well as tax credits for efficient heating, cooling and water heating equipment—including air conditioners—that reduce consumer energy costs.

Notably, these incentives are based on performance, not cost, in order to foster competition between suppliers of different technologies to produce products that meet the proposed target and conserve the most energy. And we know that competition will not only improve these technologies, but help make them more widely available.

The bill also extends the section 45 tax credit for electricity production from renewable sources. In the JOBS bill enacted last fall, this credit was modified to allow categories of waste materials from forest-related activities—biomass, which is a critical industry in Maine—to qualify. This has been a boost to the struggling forest products industry and will take a step towards smart energy production. It was vital that we extended this effective tax credit.

I believe our task is to help make it more attractive, through the tax code, for our U.S. manufacturers to get the most promising and cost-effective technologies to the U.S. and global marketplace as quickly as possible. Through the tax code, we can also incentives great energy savings though energy efficiencies. We should help increase the American public's awareness of the benefits to our health and our national security of encouraging the shift away from foreign oil and toward domestic renewable and alternative energy sources that help curb our voracious thirst for fossil fuels.

My performance-based targeted incentives included in the bill will reduce natural gas prices and electricity prices by cutting the demand for natural gas and electricity in the near term, as well as in the longer term. The bottom line is, we have the opportunity to raise the bar for our future domestic energy systems and energy efficiencies. Solutions do exist in the entrepreneurial spirit of the American people.

I must admit to disappointment that we did not address, at the very least, closing the SUV CAFE Standards loophole that would have rectified an unacceptable inequity when it comes to obtaining greater fuel economy for the vehicles we choose to drive. We did not take this road currently less traveled towards decreasing our nation's need to import greater and greater amounts of foreign oil from the most volatile area of the globe, and at the same time, decrease polluting vehicle emissions that affect both the public's and the planet's health.

I am also concerned that the United States is not moving ahead to take actions to address climate change, although, for the first time, the U.S. Senate passed a sense of the Senate resolution on climate change that officially recognizes that there is no doubt that greenhouse gases are irrevocably impacting our climate and that mandatory caps on greenhouse gas emissions are necessary.

This truly global problem requires solutions based on cooperation and consensus, and I hope that, as the G8 countries, the world's economic leaders and largest emitters of greenhouse gases, meet this next week in Glenagles, Scotland, they will use the summit as a forum to reach agreement on practical and reasoned solutions to confront climate change, setting the stage to bring the developing world to the table.

This is what the International Climate Change Taskforce, for which I am the Cochair, set out to do well over a year ago. This group of international leaders came up with a blueprint to set out a pathway to engage all countries in concerted action on climate change, including those not bound by the Kyoto Protocol.

Mr. President, I ask unanimous consent to have printed in the RECORD the ICCT ''Meeting the Climate Challenge'' Summary of Main Recommendations and Appendix B: Taskforce members. We should bequeath to all our children a world as rich in life and opportunity as the one we inherited. And, we need to start pursuing economically and environmentally sound ways to meet this challenge now.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAIN RECOMMENDATIONS

1. A long-term objective be established to prevent global average temperature from rising more than 2°C (3.6°F) above the pre-industrial level, to limit the extent and magnitude of climate-change impacts.

2. A global framework be adopted that builds on the UNFCCC and the Kyoto Protocol, and enables all countries to be part of concerted action on climate change at the global level in the post-2012 period, on the basis of equity and common but differentiated responsibilities.

3. G8 governments establish national renewable portfolio standards to generate at least 25% of electricity from renewable energy sources by 2025, with higher targets needed for some G8 governments.

4. G8 governments increase their spending on research, development, and demonstration of advanced technologies for energy-efficient and low- and zero-carbon energy supply by two-fold or more by 2010, at the same time as adopting near-term strategies for the large-scale deployment of existing low- and no-carbon technologies.

5. The G8 and other major economies, including from the developing world, form a G8+ Climate Group to pursue technology agreements and related initiatives that will lead to large emissions reductions.

6. The G8+ Climate Group agree to shift their agricultural subsidies from food crops to biofuels, especially those derived from cellulosic materials, while implementing appropriate safeguards to ensure sustainable farming methods are encouraged, culturally and ecologically sensitive land preserved, and biodiversity protected.

7. All developed countries introduce national mandatory cap-and-trade systems for carbon emissions, and construct them to allow for their future integration into a single global market.

8. Governments remove barriers to and increase investment in renewable energy and energy efficient technologies and practices through such measures as the phase-out of fossil fuel subsidies and requiring Export Credit Agencies and Multilateral Development Banks to adopt minimum efficiency or carbon intensity standards for projects they support.

9. Developed countries honour existing commitments to provide greater financial and technical assistance to help vulnerable countries adapt to climate change including the commitments made at the seventh conference of the parties to the UNFCCC IN 2001, and pursue the establishment of an international compensation fund to support disaster mitigation and preparedness.

10. Governments committed to action on climate change raise public awareness of the problem and build public support for climate policies by pledging to provide substantial long-term investment in effective climate communication activities.

APPENDIX B: TASKFORCE MEMBERS

Co-chairs

Rt Hon. Stephen Byers MP (UK)—Stephen Byers is a Labour Member of Parliament for North Tyneside and a former Cabinet Minister in the Blair Government. In 1997 he was made Minister of State for School Standards. In July 1998 he entered the Cabinet as Chief Secretary to the Treasury and in December 1998 he was appointed as Secretary of State for Trade and Industry. He held this post until the 2001 General Election after which he was made Secretary of State for Transport, Local Government and the Regions. He resigned from the government in May 2002.

Senator Olympia J. Snowe (USA)—Olympia J. Snowe is a two-term Republican U.S. Senator from the state of Maine. Olympia chairs the Senate Small Business and Entrepreneurship Committee and is on the Senate Finance Committee; the Commerce, Science and Transportation Committee; and the Select Committee on Intelligence. She is an active cosponsor of the McCain-Leiberman Climate Stewardship Act for mandatory emissions reductions and a market cap and trade system, and a leader for abrupt climate change research. Olympia was a member of the U.S. House of Representatives from 1978 to 1994.

Taskforce members

Hon. Bob Carr MP (Australia)—Bob Carr is the Premier of New South Wales. During his premiership he has introduced strict greenhouse emission benchmark laws in NSW and a new state Greenhouse Office. He has created 345 new national parks, receiving the 1998 World Conservation Union International Parks Merit Award.

Professor John P. Holdren (USA)—Dr. John Holdren is a Professor of Environmental Policy and Director of the Program on Science, Technology, and Public Policy in the John F. Kennedy School of Government. John also holds professorial chairs at Harvard University and the University of California. He received the 1999 Kaul Foundation Award in Science and Environmental Policy, the 2000 Tyler Prize for Environmental Achievement, and the 2001 Heinz Prize in Public Policy.

Martin Khor Kok-Peng (Malaysia)—Martin Khor is director of Third World Network. He has been a Member of the Board of the South Centre, and Vice Chairman of the Expert Group on the Right to Development of the UN Commission on Human Rights. He has conducted studies and written papers for the United Nations Conference on Trade and Development, United Nations Development Programme and United Nations Environment Programme, including Intellectual Property, Biodiversity and Sustainable Development (2002).

Nathalie Kosciusko-Morizet MP (France)—Nathalie Kosciusko-Morizet is a Member of the French National Assembly for the governing party, the Union pour un Mouvement Populiare (UMP). She is President of the Committee on health and environment for the UMP and Executive Secretary of the Council on sustainable development of the UMP. Her published books include: Pourquoi une charte de I'environnement? Une charte pour quoi faire? La révolution tranquille de I'écologie (2001).

Dr. Claude Martin (Switzerland)—Dr. Claude Martin is Director General of the World Wildlife Fund (WWF) International. As Director General of WWF International, Claude has initiated new approaches, including partnerships with the World Bank and business and industry groups. He is a member of the China Council for International Cooperation on Environment and Development (CCI–CED), a high level advisory body to the Chinese Government.

Professor Tony McMichael (Australia)—Tony McMichael is Director of the National Centre for Epidemiology and Population Health, at The Australian National University, Canberra. Previously he had been Professor of Epidemiology at the London School of Hygiene and Tropical Medicine. He has chaired the working-group assessment of health risks for the UN's Intergovernmental Panel on Climate Change, and is now undertaking the international Millennium Ecosystem Assessment project.

Jonathon Porritt (UK)—Jonathon Porritt is Programme Director and co-founder of Forum for the Future and Chairman of the UK Sustainable Development Commission. In addition he is Co-Director of The Prince of Wales's Business and Environment Programme, Trustee of WWF UK and Vice-President of the Socialist Environment Resources Association. He was formerly Director of Friends of the Earth. Jonathon received a CBE in January 2000 for services to environmental protection.

Adair Turner (UK)—Adair Turner is Vice Chairman of Merrill Lynch Europe. From 1995 to 1999 he was Director General of the Confederation of British Industry. He is currently a director of United Business Media plc, Chair of the UK Low Pay Commission and Chair of the UK Pensions Commission. He is also a Visiting Professor at the London School of Economics and a trustee of WWF UK.

Dr Ernst Ulrich von Weizsäcker (Germany)—Dr Ernst Ulrich von Weizsäcker is a member of the German Bundestag for the Social Democratic Party (SPD). Since 2002, he has been the Chair of the Parliamentary Committee on Environment, Nature Conservation and Nuclear Safety. He was Director of the Institute for European Environmental Policy in Bonn, London and Paris from 1984–1991, and President of the Wuppertall Institute for Climate, Environment, Energy from 1991–2000.

Professor Ni Weidou (China)—Professor Ni Weidou is Director of the Clean Energy Centre at Tsinghua University. As the member of the Consultant Group of State Fundamental Research and Planning and the Co-chairman of Energy Group of CCICED, he gives advice on state energy policies. He is in close cooperation with the University Committee of Environment of Harvard University and the Centre for Energy and Environment Studies of Princeton University.

Hon. Timothy E Wirth (USA)—Timothy Wirth is the President of the United Nations Foundation and Better World Fund. He has been a member of the US House of Representatives and US Senate where he focussed on environmental issues, especially global climate change and population stabilisation. He served in the US Department of State as the first Undersecretary for Global Affairs from 1993 to 1997.

Cathy Zoi (Australia)—Cathy Zoi is Group Executive Director of Bayard Capital, an environment and sustainable energy company. She co-chairs the New South Wales (NSW) Government's Sustainability Advisory Council. Previously, Cathy was Assistant Director General of the NSW Environmental Protection Agency, the founding CEO of the Sustainable Energy Development Authority, and Chief of Staff of Environmental Policy in the Clinton White House. She has been a company director for a number of start-up renewable energy enterprises.

Scientific adviser to the taskforce

Dr Rajendra K Pachauri (India)—Dr R K Pachauri supported the taskforce in the capacity of Scientific Adviser.

Dr Pachauri is Director General of The Energy and Resources Institute, and chair of the UN's Intergovernmental Panel on Climate Change. His wide ranging expertise has resulted in his membership of various international and national committees and boards, including chairing the Committee on Developing Countries from 1989 to 1990. He has also authored 21 books and many papers and articles.

APPENDIX C: TASKFORCE SECRETARIAT

The Institute for Public Policy Research—www.ippr.org.uk—The Institute for Public Policy Research (ippr) is the UK's leading progressive think tank and was established in 1988. Its role is to bridge the political divide between social democratic and liberal traditions, the intellectual divide between academia and the policy making establishment, and the cultural divide between government and civil society. It is first and foremost a research institute aiming to provide innovative and credible policy solutions. Its work, the questions its research poses and the methods it uses are driven by the belief that a journey to a good society is one that places social justice, democratic participation and environmental sustainability at its core.

Nick Pearce—Nick Pearce is Director of ippr. He was previously Special Adviser to David Blunkett MP when he was Home Secretary and Secretary of State for Education & Employment. He has also been an adviser to the Prime Minister's Social Exclusion Unit.

Dr Tony Grayling—Tony Grayling is an Associate Director and head of the Sustainability Team at ippr. Tony has previously been a special adviser to the UK Minister for Transport, and the environmental policy officer for the Labour Party.

Simon Retallack—Simon Retallack is a Research Fellow at ippr, specialising in international climate change policy. Simon is also co-director of the Climate Initiatives Fund, a grant-making foundation, and was commissioning editor of The Ecologist magazine.

The Center for American Progress—www.americanprogress.org—The Center for American Progress (CAP) is a non-partisan research and educational institute dedicated to promoting a strong, just and free America that ensures opportunity for all Americans. It believes that Americans are bound together by a common commitment to these values and it aspires to ensure that national policies reflect these values. It works to find progressive and pragmatic solutions to significant domestic and international problems and develop policy proposals that foster a government that is ''of all the people, by all the people, and for all the people.''

John Podesta—John Podesta is the President and Chief Executive Officer of the Center for American Progress. He served as Chief of Staff to President Bill Clinton from October 1998 to January 2001 and previously was an Assistant to the President then Deputy Chief of Staff. Podesta is currently a Visiting Professor of Law on the faculty of the Georgetown University Law Center.

Todd Stern—Todd Stern is a Partner of Wilmer, Cutler and Pickering. He served in the Clinton Administration in various capacities, including Assistant to the President for Special Projects and Counselor to the Secretary of the Treasury. Between 1997 and 1999, he served as the senior White House negotiator at the Kyoto and Buenos Aires negotiations.

Dr Ana Unruh Cohen—Ana Unruh Cohen is the associate director for environmental policy at the Center for American Progress. Prior to joining American Progress, she was an aide to Congressman Edward J Markey (D-MA) for three years, handling energy and environmental issues pending before the Energy and Commerce Committee and the Resources Committee.

Ken Gude—Ken Gude is the Director of Research on the International Rights and Responsibilities Project at the Center for

American Progress. Prior to joining American Progress, Gude was a Policy Analyst at the Center for National Security Studies. He previously worked at the Council on Foreign Relations.

The Australia Institute—www.tai.org.au—The Australia Institute is an independent public policy research centre funded by grants from philanthropic trusts, memberships and commissioned research. It was launched in 1994 to develop and conduct research and policy analysis and to participate forcefully in public debates. In addition, the Institute undertakes research and analysis commissioned and paid for by government, business, unions and community organisations. Unconstrained by ideologies of the past, the purpose of the Institute is to help create a vision of a more just, sustainable and peaceful Australian society and to develop and promote that vision in a pragmatic and effective way.

Dr Clive Hamilton—Dr Clive Hamilton is Executive Director of The Australia Institute. He has held visiting academic positions at the Universities of Cambridge, Sydney and the Australian National University. Previous positions include Head of Research at the Federal Government's Resource Assessment Commission. Dr Hamilton has published on climate change policy and environmental economics, including Growth Fetish.

Alan Tate—Alan Tate has been involved in national and international climate policy for more than a decade. He is the recipient of Australia's most prestigious journalism award—the Gold Walkey—when National Environment Correspondent to the Australian Broadcasting Corporation. Alan became a founding partner in Cambiar in 2001.

Justin Sherrard—Justin Sherrard co-founded Cambiar with Alan Tate, a Sydney-based strategy consultancy that works with progressive businesses and Governments on gaining competitive advantage and public support by focussing on Sustainability. He has 15 years of global experience of environmental issues and their solutions.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

Mr. GREGG. Mr. President, the pending legislative branch appropriations bill for fiscal year 2006, H.R. 2985, as reported by the Senate Committee on Appropriations, provides $3.952 billion in budget authority and $3.947 billion in outlays in fiscal year 2006 for the legislative branch and related agencies. Of these totals, $118 million in budget authority and $117 million in outlays are for mandatory programs in fiscal year 2006.

The bill provides total discretionary budget authority in fiscal year 2006 of $3.834 billion. This amount is $194 million less than the President's request, $70 million less than the 302(b) allocation adopted by the Senate, and is $118 million more than the House-passed bill. The 2006 budget authority provided in this bill is $289 million more than the fiscal year 2005 enacted level.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate. I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2985, 2006 LEGISLATIVE BRANCH

[Fiscal Year 2006, $ millions]

	General purpose	Mandatory	Total
SPENDING COMPARISONS—SENATE-REPORTED BILL			
Senate-reported bill:			
Budget authority	3,834	118	3,952
Outlays	3,830	117	3,947
Senate 302(b) allocation:			
Budget authority	3,904	118	4,022
Outlays	3,870	117	3,987
2005 Enacted:			
Budget authority	3,545	113	3,658
Outlays	3,785	112	3,897
President's request:			
Budget authority	4,028	118	4,146
Outlays	3,959	117	4,076
House-passed bill:			
Budget authority	3,716	118	3,834
Outlays	3,771	117	3,888

H.R. 2985, 2006 LEGISLATIVE BRANCH—Continued

[Fiscal Year 2006, $ millions]

	General purpose	Mandatory	Total
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority	−70	0	−70
Outlays	−70	0	−40
2005 Enacted:			
Budget authority	289	5	294
Outlays	45	5	50
President's request:			
Budget authority	−194	0	−194
Outlays	−129	0	−129
House-passed bill:			
Budget authority	118	0	118
Outlays	59	0	59

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

ENERGY AND WATER APPROPRIATIONS ACT, 2006

Mr. GREGG. Mr. President, the energy and water development appropriations bill for fiscal year 2006, H.R. 2419, as reported by the Senate Committee on Appropriations, provides $31.245 billion in budget authority and $31.118 billion in outlays. The bill contains no mandatory spending. In discretionary budget authority, the bill is $1.5 billion above the President's request, equal to the 302(b) allocations adopted by the Senate, $1.499 billion greater than the House-passed bill and $1.089 billion more than the fiscal year 2005 enacted level.

I commend the chairman of the subcommittee and the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate. I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2419, 2006 ENERGY AND WATER APPROPRIATIONS; SPENDING COMPARISONS—SENATE—REPORTED BILL

[Fiscal Year 2006, $ millions]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	$31,245	0	$31,245
Outlays	31,118	0	31,118
Senate 302(b) allocation:			
Budget authority	31,245	0	31,245
Outlays	31,155	0	31,155
2005 Enacted:			
Budget authority	30,156	0	30,156
Outlays	29,827	0	29,827
President's request:			
Budget authority	29,745	0	29,745
Outlays	30,260	0	30,260
House-passed bill:			
Budget authority	29,746	0	29,746
Outlays	30,264	0	30,264
Senate-reported bill compared to:			
Senate 302(b) allocation:			
Budget authority	0	0	0
Outlays	−37	0	−37
2005 Enacted:			
Budget authority	1,089	0	1,089
Outlays	1,291	0	1,291
President's request:			
Budget authority	1,500	0	1,500
Outlays	858	0	858
House-passed bill:			
Budget authority	1,499	0	1,499
Outlays	854	0	854

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

SANDRA DAY O'CONNOR

Ms. LANDRIEU. Mr. President, from the day she became the first woman to sit on the U.S. Supreme Court, Sandra Day O'Connor has been an inspiration for millions of Americans, particularly for women and girls. I know this is true because she inspired me.

I was a young woman in my twenties serving in the Louisiana State Legislature when Justice O'Connor was appointed to the Supreme Court, and I remember that day very clearly. I always knew I wanted to serve the people of my country, and on that day I realized that there was no limit to what one woman could do.

And today, 24 years later, I am a woman standing on the floor of the U.S. Senate while the number of women in the Louisiana State Legislature has grown from 2 to 24. We all owe a great debt to pioneering women like Sandra Day O'Connor who broke the judicial glass ceiling and paved the way for me and for millions of other women.

But O'Connor's legacy is not limited to the barriers she broke. Throughout her 24 years of service, Justice O'Connor has proven herself to be one of our Nation's leading legal scholars, consistently putting the rule of law ahead of politics. She has been a champion of the law, a champion for our rights, and a champion for our country.

Finding an appropriate successor to such a dedicated jurist is a heavy task indeed.

To protect the rights and liberties of all Americans, there is perhaps no more important decision a President makes than nominating a Justice to the Supreme Court. I strongly urge President Bush to rise above the partisan politics that have gripped recent judicial confirmations and to reach out to both Republican and Democratic Senators as he selects a nominee to succeed Justice O'Connor.

It is the Senate's constitutional duty to provide advice and consent. To provide real advice and to grant real consent, every single Senator must weigh the nomination carefully and consciously.

Senators from both sides of the aisle must come together to ensure that the next member of the Supreme Court will uphold the rights of the American people and base his or her decisions on the law and the Constitution—not on political ideology.

I hope President Bush will join us in this partnership and allow us to provide real advice at this historic time.

Working together, I am confident that we can find a suitable Justice who will follow the great precedent of Sandra Day O'Connor.

DESTRUCTION IN ZIMBABWE

Mr. MARTINEZ. Mr. President, I call attention to and condemn the current tragic actions by the government of Zimbabwe.

At present, more than 200,000 people have been made homeless as a result of ''Operation Restore Order''—a 5-week-old government campaign to destroy informal dwellings and businesses in Zimbabwe's cities. Alternatively, the operation is also being called Operation Murambatsvina—meaning operation ''Drive Out Rubbish.''

Whatever the name, this operation is horrific. It is appalling. And it must end.

As a State Department spokesman affirmed last week—''it's uncondonable, inexcusable, and we will continue to speak out and act diplomatically to achieve justice for those who have been so senselessly disadvantaged.'' That is why I speak today.

The targets of this ongoing campaign are Zimbabwe's very poorest citizens—individuals who are already suffering from 80 percent unemployment, 600-percent inflation and widespread food shortages. An the true reasons for this campaign have not been made fully clear.

Zimbabwe's President, Robert Mugabe, says the crackdown is designed to ''restore sanity'' in urban areas—areas which he says have become overrun with criminals.

But Zimbabwe's cities are also the centers of opposition political activity.

Due to the worsening situation in the urban areas, including a lack of fuel and a diminishing food supply, the government may be moving poor people out of the cities in an effort to increase control over the population.

Unfortunately, because of Mugabe's government controls, there has been a severe lack of verifiable information coming out of Zimbabwe. But daily dispatches are telling us of people being forced into labor on state-run farms, and young people being sent to youth militia camps. Most disturbing are the tragic reports that children are being crushed and killed in these raids.

Last Friday, these events led 10 United Nations special rapporteurs on human rights to issue a strong statement of concern about the ''recent mass forced evictions in Zimbabwe and related human rights violations.''

I briefly read a portion of this statement, which was issued through the Office of the U.N. High Commissioner on Human Rights:

> Since 18 May 2005 Zimbabwean authorities are reported to have forcibly evicted an estimated 200,000 people from Harare and 29 other locations across Zimbabwe, with some reports stating that up to a million people may face eviction if the operation continues. . . . These evictions have targeted . . . informal traders and families living in informal settlements, including women with HIV/AIDS, widows, children with disabilities. Many evictees, including women, are reported to have been beaten up by police. The evictees have been given no prior notice, no opportunity to appeal and no opportunity to retrieve property and goods from homes and shops before destruction . . . With the exception of a few inadequate transit camps, there is no evidence that the Government has explored any alternatives to the evictions or offered adequate alternative housing and many evictees have been left completely homeless.

I find this situation to be alarming at the very least. These demolitions sound a lot like political retribution and forced human displacement. And the deliberate destruction of the homes is a clear violation of fundamental human rights.

In light of this alleged, sustained and deliberate destruction, I commend Kofi Annan's recent decision to send Ms. Anna Kajumulo Tibaijuka as his Special Envoy to Zimbabwe to further investigate and respond to this tragedy.

Anna currently serves as the Under-Secretary General and Executive Director of U.N. HABITAT, and is a good friend.

This past Sunday, Anna arrived in Harare as the head of a seven-member delegation to investigate the true impact of Mugabe's so-called ''cleaning'' operation.

Sending Anna and the delegation is a very positive step, and I am encouraged by the visit. And I urge President Mugabe to continue to allow Anna and her team full access to impacted areas. I look forward to hearing about and reading the delegation's findings.

At the same time, I want to commend international leaders, including British Prime Minister Tony Blair, Australian Prime Minister John Howard, U.S. Secretary of State Condoleezza Rice, as well as over 200 international human rights and civics groups for publicly condemning these continued atrocities and human rights abuses.

As an international community, we share a collective responsibility to assist the people of Zimbabwe and bring about a meaningful end to this man-made tragedy.

But I also echo international calls for Zimbabwe's neighbors to step forward and put pressure on the Mugabe government. I urge Zimbabwe's African neighbors to take effective action and intervene. In particular, I urge the African Union to take meaningful action.

The fact is, the latest demolitions are part of a larger, sustained pattern of human rights violations being carried out by President Mugabe and his government.

As the 2004 State Department Human Rights Report relates, and I will read a brief paragraph directly:

> President Mugabe and his party used intimidation and violence to maintain political power. A systematic, government sanctioned campaign of violence targeting supporters and perceived supporters of the opposition continued during the year. Security forces committed at least one extrajudicial killing. Ruling party supporters, with material support from the Government, continued their occupation of commercial farms, and in some cases killed, abducted, tortured, intimidated, raped, or threatened farm occupants. Security forces, government-sanctioned youth militias, and ruling party supporters tortured, raped, and otherwise abused persons perceived to be associated with the opposition; some persons died from their injuries.

I remind my colleagues that this very same government is also a current member of the United Nations Commission on Human Rights—which is yet another travesty.

But the immediate issue facing us today is the current government campaign to demolish Zimbabwe's urban areas. We cannot ignore this continued destruction and abuse. We simply cannot look the other way.

As Secretary Rice outlined in her confirmation hearing before the Foreign Relations Committee earlier this year, Zimbabwe remains one of the outposts of tyranny.

And as Secretary Rice rightly remarked, ''America stands with oppressed people on every continent.''

At the time, she referenced Natan Sharansky and what he calls the ''Town Square Test,'' saying that the world should apply that test. To quote the Secretary directly, ''if a person cannot walk into the middle of the town square and express his or her views without fear of arrest, imprisonment, or physical harm, then that person is living in a fear society, not a free society. We cannot rest until every person living in a ''fear society'' is living in a ''free society.''

These remarks are even more relevant in light of current events. The people living in Zimbabwe's cities are clearly living in a society of fear. Their town squares are literally being torn down—the rubble crushing the people of that country.

I look forward to working with the Administration, and supporting international efforts to provide meaningful assistance to the people of Zimbabwe.

CENTRAL AMERICAN FREE TRADE AGREEMENT

Ms. LANDRIEU. Mr. President, I rise to speak a moment about why I am strongly opposed to the Dominican Republic/Central American Free Trade Agreement Implementation Bill, or CAFTA it is often referred to. CAFTA threatens a proud heritage and a way of life in Louisiana that dates back more than 250 years. Our great-great-great grandfathers were raising cane long before our country was even born. Since 1751, Louisiana sugar cane farmers have been farming the fertile soil of our great State. Before the marble Walls of Congress were ever erected, Louisianans built an industry that would weather hurricanes, the Great Depression and even the Civil War.

These farmers have good reason to be proud. American sugar producers are among the most efficient in the world. Two-thirds of the world's more than 100 sugar-producing countries produce at a higher cost than the U.S. And in my State of Louisiana, farmers produce about 20 percent of the sugar grown in the United States and currently rank fourth in the Nation in production of sugar, producing an average revenue of $750 million per year.

But today, we are prepared to deal this proud industry a death blow. We are talking about undoing centuries of tradition and stripping away jobs from efficient Louisiana farmers. As passed, this trade agreement would have a serious and harmful effect on sugar producers in my State: CAFTA will equal job loss and financial despair for 27,000 Louisiana sugar workers and farmers. Along with additional bilateral trade agreements, CAFTA could cost my State $750 million in direct sugar sales, as well as $2 billion in industry-related revenue each year.

In any trade negotiation, there are losses and there are wins. Oftentimes we are willing to accept the impacts these deals might have on our domestic producers because in the long run the good outweighs the bad. But that is not the case. CAFTA is a relatively small trade deal with a group of countries whose combined economies are smaller than that of New Haven, CT. Nearly half of all Central Americans earn less than $2 a day, and they simply cannot afford the meats or crops we have to sell. That is why the Louisiana Farm Bureau has joined other State farm bureaus, the National Association of State Departments of Agriculture, and numerous national farm groups in opposing CAFTA. Even our own Government's economic estimates say that CAFTA will mean little to agriculture or to our country as a whole; and these are known to be quite optimistic estimates. That is because as the administration points out time and time again—we already dominate the import market of this poor region.

According to estimates by the U.S. International Trade Commission, CAFTA would actually increase our trade deficit with Central America while benefiting our economy by less than one-hundredth of 1 percent. That is worth repeating again. The administration's economists say that CAFTA will increase our trade deficit with the region while boosting our own economy by less than 0.01 percent.

This same study concluded that for other farmers CAFTA would have ''a negligible impact on total U.S. production and employment.'' Why then are we talking about dismantling my State's sugar industry? U.S. farmers and ranchers get little in return for sending thousands to the ranks of the unemployed.

So what we have here is another raw deal for Louisiana sugar. I urge my colleagues to take a long, hard look at our country's current agricultural trade agenda. This year, the USDA says America will import as much food as we export. The agricultural trade surplus that stood at $27 billion less than 10 years ago is now gone. The promises made to farmers during the NAFTA debates have come up flat. And the promises that will be made today about CAFTA are contradicted by the administration's own estimates.

In closing, let me say I support free trade, so long as it is fair. Fair free trade requires that all players operate on as equal and level a playing field as possible, accountable to the same labor laws, environmental standards, and governmental intervention. To sacrifice even one job for a trade deal that will deepen our agricultural trade deficit is a travesty. And, having to tell thousands of hard-working farmers in Louisiana that they must look for work, because sugar was used as a bargaining chip, is unacceptable.

ZIMBABWE

Mr. FEINGOLD. Mr. President, I rise to express my shock and alarm over the most recent turn taken in Zimbabwe's deepening political and economic crisis. As my colleagues know, the ruling regime in Harare recently launched a massive campaign to destroy the homes of hundreds of thousands of urban Zimbabweans, evicting men, women, and children—in at least one case reportedly evicting even AIDS orphans—under the auspices of ''driving out the rubbish.''

Many analysts believe that the Government is attempting to forcibly relocate the urban population—which tends to support the political opposition—to rural areas in order to diffuse resistance to its repressive policies. The ruling party may also be attempting to revitalize the agricultural sector, which has been devastated by its policies, through this campaign of forced relocation to rural areas. What is certain is that this kind of deliberate displacement of people in a country where 3 to 4 million already need food assistance is an absolute outrage.

Sadly, this is what we have come to expect from President Mugabe and his cronies. This same government has refused food assistance for hungry people; manipulated available food assistance for political purposes; systematically attacked the independence of the judiciary; silenced independent media voices; and created, often through coercion, brutally violent youth militias to terrorize civilians.

I commend Chairman MARTINEZ for speaking out so forthrightly on this issue. I am pleased to join him here today. I have also joined with my colleague, Senator DURBIN, in working to encourage U.N. Secretary General Kofi Annan to treat this crisis with the urgency it deserves, and I also thank him for his leadership. And I recently joined with Senator MCCAIN to assure Secretary of State Rice of the strong, bipartisan support that exists here for an energized Zimbabwe policy.

But we can and must do more to oppose this campaign of abuse. We must continue to speak plainly to Southern African leaders about the toll that their silence about this ongoing crisis takes on their credibility, and about the loss of investor and donor confidence in the region that is a consequence of Zimbabwe's ceaseless downward spiral over the past 5 years.

The administration has spoken out commendably regarding the Zimbabwe crisis, but more could be done to take action that would bolster their tough talk. Targeted sanctions could have more bite, and the U.S. and other key donors could more clearly link support for laudable initiatives such as the New Economic Partnership for Africa's Development to restoration of respect for civil and political rights and the rule of law in Zimbabwe.

Those of us who have followed the crisis in Zimbabwe often feel a sense of frustration as we watch so much of

what was promising about that country be systematically dismantled by the current ruling party. But we must not give up on the people of Zimbabwe, many of whom continue to fight against repression despite considerable risk. Once Zimbabwe's corrupt leadership finally releases its grasp on power, the country will require substantial international assistance to rebuild the institutions of democracy and regain its economic footing.

I was pleased to work with the majority leader on the Zimbabwe Democracy and Economic Recovery Act, which became law in 2001. This law spells out Congress's commitment to come forward as a strong partner of a recovery in Zimbabwe when change finally does come and Zimbabwe's long, sad slide into authoritarianism and economic collapse has been halted. I still believe in the promise of that bill and look forward to the day conditions allow all of us to realize that promise, and to join with the people of Zimbabwe in rebuilding their country and safeguarding their democracy.

Mr. BUNNING. Mr. President, earlier this week I introduced the Professional Sports Integrity and Accountability Act. This is not a bill I relish introducing, and I wish Congress did not have to get involved in this issue.

Unfortunately, this might be the only way to get professional sports to finally clean up their act. As a former major league baseball player and a member of The Baseball Hall of Fame, protecting the integrity of our national past time is a matter near and dear to my heart. I know it is near and dear to the hearts of so many fans across America.

I do not have any personal experience with steroids. I never encountered them during my years in the major leagues. But I can tell you this—players who use steroids are cheaters. When I played ball, if you got caught cheating—whether it was by sharpening your spikes or corking your bat—you were suspended. The same should hold true for those athletes who use illegal performance enhancing drugs.

Something needs to be done to strike out drugs in sports. Some sports leagues have taken baby steps in an attempt to implement a new or improve a current testing program. While I can appreciate their efforts, I just do not think they have done enough. For example, the penalties under baseball's current drug testing program are—at best—puny.

My bill would not only toughen baseball's standards, but it would apply to a host of professional sports leagues, such as Major and Minor League Baseball, Arena and National Football Leagues, men's and women's National Basketball Associations, Major League Soccer, and the National Hockey League.

Under my legislation, players would be tested at least three times a year. Tests would be conducted randomly with no advance notice to the athlete. Substances tested would include all those substances that are prohibited for all sports by the Olympics. Players testing positive would be suspended without pay from all leagues for two years on their first offense. If they test positive a second time they are banned from all sports forever.

These are the kind of hard-nosed penalties that will finally wake players up to the reality that the need to stop doping up and risking losing their entire livelihood. It is going to be up to the players. I do not think too many of them will risk playing with fire. Because if you play with fire, you will get burned.

In this legislation, leagues would also be required to disclose to the public the names of those players who violate the testing policy, the penalty they receive, and the substances involved. Any athlete who refuses to take a drug test will be immediately penalized the same as if he or he failed the test. These penalties would also apply to anyone who assists in a violation of the drug testing policy.

Tests will be conducted by an independent entity not controlled by any league. This is necessary to ensure the integrity of the tests. This independent entity will be responsible for the collection, transport, and analysis of all samples. Lab analysis will be conducted at a lab in the United States that meets Olympic standards. All leagues will be required to keep records of these tests which will be subject to inspection by the Federal Trade Commission.

It is important that people realize this is not about conducting a witch hunt, and that is why my bill also includes some protections for these athletes. As a former player, I recognize that training and playing a sport can take a tremendous toll on the body. Therefore, my bill would allow athletes exemptions for substances prescribed by their doctor.

My bill requires that leagues provide violators with a hearing and fair appeals process upon testing positive. These results must be disclosed to the public. However, no information about an athlete's health is required to be disclosed. In order to ensure that leagues are in compliance, the Federal Trade Commission is designated with oversight of the drug testing program. Leagues can be fined up to $1 million per day if they do not enforce this testing policy.

This legislation also encourages—but does not require—leagues to invalidate the records of any athlete who is caught using performance enhancing drugs. History is an important part of any sport and records should mean something. Yes, records are made to be broken. But it does not mean you should be able to cheat to do so.

I was blessed to play 17 years in the major leagues. I never saw a player hit more home runs at age 40 than he was hitting at age 25. Unlike a good wine, professional athletes generally do not get better with age. The body breaks down and you become more prone to injury. You just do not recover as quickly from the grind of playing day after day—year after year.

Some may ask why congress would be getting involved in the business of trying to regulate major league sports. Well, the answer is really quite simple. It is not just about the integrity of the game. It is partly about the health of the athlete. But really, it is about the kids.

The game of baseball has been tarnished by the use of steroids. Unfortunately, this not only affects players taking these substances. But it also sends the wrong message to kids who see players as role models, and who also feel such pressure to perform so well at a young age. It is very important that we understand just how harmful steroids can be on a person's health.

Side-effects of steroids include fatal liver cysts, liver cancer, kidney disease, blood clotting, and they can even lead to heart attack or stroke. Our children look up to players as heroes. And it is important that players set a good example.

As Members of Congress we can play an important role in educating the public on the terrible health effects from steroids. Illegal performance-enhancing drugs have become a serious problem in professional sports and it needs to stop.

Fans expect it to stop and former professional athletes expect it to stop. My friend and fellow baseball Hall of Famer—Dave Winfield—wrote me recently. He sent me a copy of an opinion piece he wrote on the steroid issue. In his piece, Dave outlines not only the negative physical health effects steroids cause. But he touches on the negative psychological effects, too. Dave also cites a recent survey by a national healthcare provider that nearly one million kids in America are using steroids and other substances to boost their athletic performance.

Finally, he raises the important question to athletes: ''How do you want to play your sport—clean and fair, or by cheating with drugs?''

The fans and former athletes do not want our national pasttime and favorite sports to end up with black eyes because of this mess. Everywhere I go I hear sports fans and former athletes whistling for an end to the use of drugs in sports. I and others in this body are listening. Players and leagues must be held accountable for the State of their respective sports. And this legislation demands accountability by putting real penalties on those who cheat.

It is time to restore some integrity to the sports we all watch, pour our hearts out to, and love. I hope my colleagues will join me in supporting this important cause. I recognize that other senators, including Senator STEVENS, SENATOR MCCAIN, and Senator ROCKEFELLER, have helped to highlight this issue, and I look forward to the Senate

moving this debate and legislation forward to clean this mess up in a bi-partisan way.

Before I yield the floor, I want to share a letter I received last month from a young boy—Joseph Mattingly—from Louisville, KY. Joseph writes:

Dear Senator Bunning, my name is Joseph Mattingly. I am a Boy Scout from Troop 327. At this year's summer camp, I am working on a merit badge that requires me to write a letter to a Member of Congress representing my State—Kentucky. This letter was required to be about a national issue which I share the same view with you. I wrote you because I am a fan of Major League Baseball and I would agree that Congress should get involved in the steroids scandal. I say this for many reasons. One is that Major League Baseball needs some help. If they cannot clear up this problem, Congress could. Another reason is that taking performance enhancing drugs is cheating. Cheating should not be the American way of doing things. A third reason is that steroids are drugs. Performance enhancing drugs should be made illegal for sale without a prescription. Finally, you are a Hall of Famer with much baseball experience. For this reason, Major League Baseball should let you help them with their problems. These are my views on why Congress should get involved in bringing down the steroids scandal in baseball and all other sports. Sincerely, Joseph Mattingly.

This is the voice from a young fan—a child who loves the game of baseball. He echoes the thoughts and words of so many others across America. There is passion in this young boy's heart, and wisdom in his words.

Mr. President, I ask unanimous consent that the text of the bill and editorial be printed in the RECORD.

There being no objection, the text of the bill and editorial was ordered to be printed in the RECORD, as follows:

S. 1334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Professional Sports Integrity and Accountability Act''.

SEC. 2. EFFECTIVE DATE.

This Act shall take effect 1 year after the date of enactment of this Act.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) OFF-SEASON.—The term ''off-season'' for each professional athlete means the period of time outside the professional sports season.

(3) PROFESSIONAL ATHLETE.—The term ''professional athlete'' means an individual who competes in a professional sports league.

(4) PROFESSIONAL SPORTS EVENT.—The term ''professional sports event'' means any game, match, or competition conducted in the United States between any teams, clubs, or organizations of a professional sports league.

(5) PROFESSIONAL SPORTS LEAGUE.—The term ''professional sports league'' means Major League Baseball, Minor League Baseball, the National Football League, the Arena Football League, the National Basketball Association, the Women's National Basketball Association, the National Hockey League, Major League Soccer, and any successor organization to those organizations.

(6) PROFESSIONAL SPORTS SEASON.—The term ''professional sports season'' for each professional athlete means the period of time beginning on the date on which the athlete is eligible, invited, allowed, or required to report for practice or preparation to compete in a professional sports league and ending on the later of the date of the league's last regularly scheduled professional sports event or the date of the last professional sports event of the post-season in which the athlete is eligible, invited, allowed, or required to participate.

(7) PROTOCOL.—The term ''Protocol'' means the United States Anti-Doping Agency Protocol for Olympic Movement Testing and any successor to that protocol.

SEC. 4. CONDUCT PROHIBITED.

It is unlawful for a professional sports league to organize, sponsor, endorse, promote, produce, or recognize a professional sports event without adopting and enforcing a testing policy that meets the requirements of section 5.

SEC. 5. MINIMUM DRUG POLICY IN PROFESSIONAL SPORTS.

(a) TESTING POLICY REQUIRED.—Each professional sports league shall adopt and enforce policies and procedures to—

(1) proscribe the use of prohibited substances and methods by each professional athlete competing in the league;

(2) test for the use of prohibited substances and methods by each professional athlete competing in the league; and

(3) proscribe any person associated with the league from complicity in a violation by a professional athlete competing in the league.

(b) PROHIBITED SUBSTANCES AND METHODS.—At a minimum, the prohibited substances and methods are as follows:

(1) PROFESSIONAL SPORTS SEASON.—During the professional sports season, all substances and methods in such amounts as prohibited in-competition by the Protocol, excluding substances or methods prohibited in a particular sport as defined by the Protocol.

(2) OFF-SEASON.—During the off-season, all substances and methods in such amounts as prohibited out-of-competition by the Protocol, excluding substances or methods prohibited in a particular sport as defined by the Protocol.

(3) ADDITIONAL SUBSTANCES AND METHODS.—Any other substances or methods or amounts of substances or methods determined by the Commission to be performance-enhancing substances or methods for which testing is reasonable and practicable.

(c) VIOLATIONS.—

(1) PROFESSIONAL ATHLETE.—The following constitute violations of the testing policy under this section for a professional athlete:

(A) The presence of a prohibited substance or its metabolites or markers in the bodily specimen of a professional athlete, or evidence of the use of a prohibited method.

(B) Refusing, or failing without compelling justification, to submit to a test. The absence of an athlete from the United States shall not alone be a compelling justification under this subparagraph.

(2) ANY PERSON.—The following constitute violations of the testing policy under this section for any person associated with a professional sports league:

(A) The administration or attempted administration of a prohibited substance or method to any professional athlete.

(B) Assisting, encouraging, aiding, abetting, covering up, or any other type of complicity involving a violation by a professional athlete.

(d) CONDUCT OF TESTS.—

(1) FREQUENCY, RANDOMNESS, AND ADVANCE NOTICE.—

(A) IN GENERAL.—Each professional athlete shall be tested for the use of prohibited substances and methods no less than 3 times in each calendar year that the athlete competes in a professional sports league.

(B) RANDOM.—Tests conducted under this subsection shall be conducted at random intervals throughout the entire calendar year with no advance notice to the professional athlete.

(2) ADMINISTRATION AND ANALYSIS.—

(A) IN GENERAL.—Tests under this subsection shall be conducted by an independent entity not subject to the control of any professional sports league.

(B) METHODS, POLICIES, AND PROCEDURES.—The independent entity shall determine the methods, policies, and procedures of collection, transportation, and analysis of bodily specimens of professional athletes necessary to conduct tests for prohibited substances and methods and shall conduct such collection, transportation, and analysis.

(C) ANALYSIS.—Analysis of specimens shall be conducted in a laboratory that meets the requirements for approval by the United States Anti-Doping Agency and is located within the United States.

(3) SUBSTANCES.—

(A) IN GENERAL.—Each professional athlete shall be tested for all prohibited substances and methods at the time of the administration of each test.

(B) LIMITED EXEMPTION FOR MEDICAL OR THERAPEUTIC USE.—A professional sports league may provide an individual professional athlete with an exemption for a particular prohibited substance or method if such substance or method—

(i) has a legitimate and documented medical or therapeutic use;

(ii) is for a documented medical condition of such athlete; and

(iii) is properly prescribed by a doctor of medicine licensed in the United States.

(e) PENALTIES.—

(1) VIOLATION.—Subject to paragraph (3), a violation shall result in the following penalties:

(A) FIRST VIOLATION.—A person who commits a violation shall be immediately suspended from participation in any professional sports league without pay for a minimum of 2 years.

(B) SECOND VIOLATION.—A person who commits a violation, having once previously committed a violation, shall be immediately permanently suspended without pay from participation in any professional sports league.

(2) DISCLOSURE.—

(A) AFTER NOTICE.—Not later than 10 days after receiving notice of a violation under this section, a professional sports league shall publicly disclose the name of the violator, the penalty imposed, and a description of the violation, including any prohibited substance or method involved.

(B) ADJUDICATION PROCEEDINGS.—The league shall publicly disclose the results of any adjudication proceedings required by paragraph (3) within 10 days of notice of the termination of the proceedings.

(3) ADJUDICATION.—

(A) IN GENERAL.—A professional sports league shall—

(i) provide a violator with prompt notice and a prompt hearing and right to appeal; and

(ii) permit that violator to have counsel or other representative for the proceedings.

(B) VIOLATOR SUSPENDED.—A violator subject to this paragraph shall be suspended without pay from participation in any professional sports league during the proceedings.

(f) RECORDS.—

(1) IN GENERAL.—Each professional sports league shall maintain all documentation and records pertaining to the policies and procedures required by this section and make such

documentation and records available to the Commission upon request.

(2) PRIVACY.—With regards to any information provided to the Commission under this subsection, nothing in this Act shall be construed to require disclosure to the public of health information of an individual athlete that would not be subject to disclosure under other applicable Federal laws.

SEC. 6. ENFORCEMENT.

(a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—Except as provided in subsection (b), this Act shall be enforced by the Commission as if a violation of this Act or of any regulation promulgated by the Commission under this Act were a violation of section 18 of the Federal Trade Commission Act regarding unfair or deceptive acts or practices.

(b) ENHANCED CIVIL PENALTIES.—In addition to the penalties provided in subsection (a), the Commission may seek a civil penalty not to exceed $1,000,000 for each day a professional sports league is in violation of this Act.

(c) PROMULGATION OF REGULATIONS.—The Commission may promulgate such regulations as necessary to enforce this Act as if the relevant provisions of the Federal Trade Commission Act were incorporated in this Act.

(d) DELEGATION.—The Commission may delegate the administration of this Act or any part of this Act to any appropriate agency of the United States Government.

SEC. 7. RULES OF CONSTRUCTION.

(a) UNITED STATES ANTI-DOPING AGENCY.—Nothing in this Act shall be construed to deem the United States Anti-Doping Agency an agent of or an actor on behalf of the United States Government or impose any requirements or place any limitations on the United States Anti-Doping Agency.

(b) MORE STRINGENT POLICIES.—Nothing in this Act shall be construed to prohibit a professional sports league from adopting and enforcing policies and procedures more stringent than the requirements of this Act.

SEC. 8. SENSE OF CONGRESS ON COORDINATION WITH THE UNITED STATES ANTI-DOPING AGENCY.

It is the sense of Congress that—

(1) the United States Anti-Doping Agency is the Nation's leading expert on testing for and research on performance-enhancing substances and methods; and

(2) professional sports leagues should consult with and follow the recommendations and standards of the Agency in developing their testing policies and procedures.

SEC. 9. SENSE OF CONGRESS ON PROFESSIONAL SPORTS RECORDS.

It is the sense of Congress that the individual records of athletes achieved while using performance-enhancing drugs should be invalidated.

SEC. 10. SENSE OF CONGRESS ON OTHER PROFESSIONAL SPORTS ORGANIZATIONS.

It is the sense of Congress that all professional sports organizations not covered by this Act should adopt testing policies that meet the requirements of the Act.

[From the Los Angeles Times, Apr. 17, 2005]

BASEBALL NEEDS CLEANED-UP HITTERS

(By Dave Winfield)

Performance-enhancing drugs in Major League Baseball are the topic du jour, but I'm writing this article primarily because I have succeeded at the game without use of drugs. I have seen and heard many opinions, but few (if any) offered on having success without performance-enhancing drugs.

The view from some in the Baseball Hall of Fame is this: Acknowledging that no one is perfect, there is no one in the Hall of Fame who used steroids. Overall there is a dim view of those who have padded their statistics by steroid use. No one likes their historic performances and careers marginalized by those who have an unfair advantage, whether the drugs were legal or not. Long-time records fall in time (that's what records are for), but with the advent of these drugs you destroy the integrity of the feat. The issue here is how to compare the achievements of baseball greats from different eras.

More important, I am a parent who cares about children and the game of baseball, and will continue to be a role model to others I work with, whether it is Little League International, the Reviving Baseball in Inner Cities program, or with collegiate, or professional baseball players.

In this era of immediate gratification, let me give a perspective on achieving long-term success and gratification. Let me be one of many who take the side of advocating success and enjoyment in sports without pharmaceutical enhancements. Hopefully, I may cause others to speak up and give young people a positive path to follow.

Here are reasons you should not use anabolic steroids: Although they are known to make athletes stronger and faster, they do not improve athletic skill, and the health risks are numerous. They can cause acne, hair loss, blood-pressure changes, nausea, vomiting, aching joints, testicular shrinkage, urinary problems and impotence or sterility. Other effects include shortening of adult height; paranoia, violent behavior (in some notable cases suicide) and increased risk of developing heart disease, stroke and some types of cancer.

I can't recommend harming your body to try to improve your athletic performance. Those short-term goals can lead to long-term physical, legal and career problems.

It's frightening and dismaying to hear that recent surveys by a national health-care provider indicate that nearly 1 million kids in America are using steroids and other substances to improve their sports performance. You can gain a competitive advantage in so many other ways and not risk your health. Yes, there is an allure to participate and be successful in sports because of the adulation, the potential attractiveness to the opposite sex, scholarship opportunities and a possible professional career, with all the money and fame and security that go with that. But it comes down to risk and reward, right and wrong—the values you live by.

How do you want to play your sport—clean and fair, or by cheating with drugs? I live in California, where our governor used steroids for years to compete in and win many bodybuilding championships. Today there are separate competitions for users and nonusers. Baseball should be the same—where there are no drug users.

In the major leagues, when you approach the game incorrectly or illegally, you injure your health, reputation, family, fans, the sport itself, and all the young people who want to be just like you.

I played Major League Baseball a long time, and left after the 1995 season. I heard back then that some people were using performance-enhancing drugs, but it was never apparent or evident in the clubhouses I played in.

Because people look for shortcuts to success, I talked to my friends who succeeded the right way: Rickey Henderson, Don Mattingly, Eddie Murray, Tony Gwynn and Cal Ripken Jr. They an achieved the heights of this game without performance-enhancing drugs.

Henderson, the all-time stolen base leader, said, ''I advocate nutrition, flexibility and exercise.''

He understood his speed, eyesight and patience at the plate could help him become a great player.

Gwynn, an eight-time batting champion, said, ''My success came from knowing I'm a singles hitter.''

He had no desire to try to hit the long ball to be successful. Speed and defense made him an all-around player.

Ripken played more consecutive games than anyone in the history of baseball. He never led the league in home runs, runs batted in or stolen bases, but said, ''It was my defense, long-term health, stamina and consistency that gave me success on the diamond.''

Murray possessed the ability to switch-hit with power, enabling him to hit more than 500 homers and drive in more than 1,900 runs. He played superb defense and was the consummate team player. He said the hallmarks of his success were ''my baseball instincts, competitiveness and love of the game.''

Mattingly, the 1985 American League MVP, didn't have the height; weight or strength of others, but what made him a great player was his knowledge of the fundamentals and techniques of hitting. ''I listened and learned from coaches about using my body to maximum effectiveness, and how to solve pitchers,'' he said.

The primary things these guys had in common were their understanding of the game, their work ethic and a tough mental approach that gave them longevity in the game.

People might think the only reason I didn't entertain drug use was because I already had size, strength, speed and versatility by playing other sports. Sure, it helps to start with ability, but I wouldn't have had the career I did if I didn't listen to the voices of baseball telling me to learn how to play and make adjustments to grow and improve.

When I entered the majors, I was not a polished, consistent player. I wasn't an All-Star until my fifth season, and certainly wasn't a shoo-in for the Hall of Fame. It takes time to integrate the knowledge, instincts, training, and experience as a player to become all you can be; that's called maturity.

I stress that you work to become a complete player. There is too much emphasis today on only hitting the long ball; many feel that is the sure way to a large payday. Learn to play every part of the game well. There are fewer five-tool players (who can run, hit, hit for power, field and throw) than ever; with a virtual elimination of infield practice before games, the ranks of those without strong arms and good gloves grow every year.

I hope the proceedings of the last few months—the first suspensions for steroid use in the major and minor leagues, with better regulation and enforcement—bring the game back to the way it was meant to be played.

This is an issue that may test the character of many, but think about your life and lifestyle. Drugs might help you for the short term, but can you imagine anyone taking them for 10 or 20 years? It may bring short term success, but no doubt a shorter life. Choose a lifestyle of nutrition, fitness, dedication and hard work in whatever you do. Don't risk losing your health, career, reputation, freedom or your life from dealing in illegal drugs. It's very simple. It's not worth it!

ADDITIONAL STATEMENTS

CONGRATULATING ALAMOGORDO, NEW MEXICO

• Mr. BINGAMAN. Mr. President, I rise today to congratulate the city of

Alamogordo, NM, for doing an outstanding job in the All America City Award competition. Alamogordo finished in the top 30, which is a great achievement considering it was their first time in the competition.

The National Civic League, NCL, focuses its efforts on strengthening and promoting community democracy by bringing together all sectors of society in addressing common needs. The All America City Award, sponsored by the NCL, recognizes that the basis of a healthy democratic society is cooperation and participation of private citizens, government, voluntary organizations and government. Those communities that foster an environment where citizens can express their needs and concerns and articulate challenges they face, and then bring together all of its resources to address those needs, exemplify democracy at work. These political systems respond to the needs of its citizens and in doing so, allow them to focus on their pursuit of their American dream. Alamogordo should take pride in the fact that they foster this environment in their community.

As the Alamogordo All America City award application mentions, the community's efforts in three specific areas, water conservation, economic development and healthy youth, attest to the community's strength and spirit of cooperation. The success of Alamogordo's water conservation efforts is truly a model for the State, decreasing usage from 6.61 million gallons per day in 2000 to 4.82 million gallons per day in 2003, even while experiencing population growth. The community-wide efforts to develop the local economy, and create jobs have been a tremendous success, leading not only to new jobs, but to multiplier effects in healthcare, community charitable giving and education. The third area of focusing on healthy youth is exemplified in the skateboard park, which provides safe recreation alternatives for 12,600 kids each year.

Further, the community of Alamogordo actively encourages basic and necessary democratic practices—encouraging citizens to take active roles in articulating and resolving community issues, encouraging effective and efficient local government, and harnessing local philanthropic and volunteer resources with the end goal of cooperating and building consensus, reinvigorating the community's vision for itself, facilitating intergroup relations, sharing information in the community, and inspiring community pride.

The hard work and dedication of a handful of notable public servants who acted as delegates for the presentation, and contributed to this tremendous success include: Joan Griggs; Anne Romero; Gwen McCourt; Don and Rosemarie Carroll; Maureen Schmittle; Inez Moncada; Donald Cooper; Susan Flores; Sharon and Al Hodges; Kory Guerra; Phillip Flores; Peter Madrid; Tammie and Ana Reynolds; Elva Oesterreich; Forst Hibler; Laura and Austin Harris; Major John Bryan; Elizabeth Upton; Ed Carr; Sharon Masters; Flori and Raschal McElderry; Amanda Runnels; Shannon Flanagan; Penina Nunnelley; Tony Taylor; and Dr. Rodger and Judy Bates.

I would also like to recognize other team members who were not able to make the trip to Atlanta, but whose hard, tireless work made the presentation possible. Finally, I congratulate each and every Alamogordo citizen on their efforts to build this model community, and for setting an example that we can all look to for inspiration. I appreciate their efforts in representing New Mexico on the on the national level as an example of civic pride and partnership in community improvement.●

THE PASSING OF SOL STETIN

● Mr. LAUNTENBERG. Mr. President, I rise today to pay tribute to a man who dedicated his life to the working men and women of New Jersey and the entire country, Sol Stetin. Sol passed away a few weeks ago, right after his 95 birthday. For many of those years he was a dear friend to me and my family. My family and I, and millions of others who knew Sol by name or reputation, will miss him very much.

From the time since Sol's family arrived at Ellis Island in 1921, when he was just 10 years old, Sol worked hard to help his father provide for their family. At 16, Sol went into business for himself delivering newspapers. He even employed several other young men to help him. Sol was also a caddy at a local gold club and an amateur boxer.

Sol grew up on the streets of Paterson, NJ, which is my home town. Back then, Paterson was a blue collar mill town where the people worked hard, often under extremely dangerous conditions. Like my own father, Sol took a job as a dye worker in a silk mill. In 1932, the workers declared a strike at the mill and although Sol's job remained safe, he joined those struggling workers and helped to lead their effort, ultimately becoming one of the organizers.

After that first strike on behalf of the hard-working men at that Paterson silk mill, Sol Stetin decided to dedicate his life to defending the rights of those who worked so hard to keep their families fed, housed, and clothed. Sol began his career in the labor movement and quickly became one of the most respected advocates for the workers in this country, rising through the ranks to become a member of the executive council of the AFL–CIO and the Vice President of the Amalgamated Clothing and Textile Workers Union.

Sol knew how important it was to preserve and teach the history of the labor movement so he was one of the founders of the American Labor Museum-Botto House National Landmark in Haledon, NJ. As president of the Museum, he was instrumental in creating a training center that is now the model for educating those who continue to fight for fairness and safety in the workplace.

Sol Stetin was a legendary figure in Paterson, where you could often find him sitting in a diner or standing on a street corner, talking and meeting with people who wanted to thank him for what he had done, or to seek his advice. He truly was one of those rare people who come along once in awhile and make a real difference in other people's lives.

Sol's brother Irving Stetin was one of my father's closest friends when they were young men. They both worked in the silk mills in Paterson long before unions were in place, and they suffered from inadequate wages, no pay for holidays off, no healthcare, and no compensation for my mother when my father died at age 43. The cause of his death was attributed to unsafe and unhealthy working conditions in the mill.

A powerful lifetime impression was created for me as I lived through those dreadful days with my mother and my little sister. I learned first-hand, the hard way, about the things working people need for their well-being and a decent quality of life. Those memories will always be with me and they serve as a guide for my decisions, not withstanding my good fortune as an executive in a very successful business.

Because of the tireless work of Sol Stetin and his colleagues in the early days of the labor movement, what happened to my father is no longer the rule, but the exception.

Sol Stetin's family came to America in search of a better life. Then Sol dedicated himself to helping other people in that same search. Sol dedicated himself to giving something back to this country we love so much. For that, each and every American should be as grateful to him as I am.

Sol Stetin lived a long life. But more important, he lived a good life, devoted to helping others. We mourn his passing, but we celebrate his tremendous accomplishments on behalf of so many working men and women and their families and the country. We will miss him.●

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3130. An act making supplemental appropriations for fiscal year 2005 for veterans medical services; to the Committee on Appropriations.

The following bill was discharged from the Committee on the Judiciary by unanimous consent, and referred as indicated:

S. 759. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable, and for other purposes; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 366, An act to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 748. An act to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 864. A bill to amend the Atomic Energy Act of 1954 to modify provisions relating to nuclear safety and security, and for other purposes (Rept. No. 109–98).

S. 865. A bill to amend the Atomic Energy Act of 1954 to reauthorize the Price-Anderson provisions (Rept. No. 109–99).

S. 858. A bill to reauthorize Nuclear Regulatory Commission user fees, and for other purposes (Rept. No. 109–100).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself and Mr. LEAHY):

S. 1368. A bill to extend the existence of the Parole Commission, and for other purposes; considered and passed.

By Mr. TALENT (for himself, Mr. DODD, Mr. ALEXANDER, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. COLEMAN, Mrs. DOLE, Mr. DEWINE, Mr. GRAHAM, Mr. KERRY, Mr. KYL, Ms. LANDRIEU, Mr. NELSON of Florida, Mr. LOTT, Mr. SANTORUM, Mr. SCHUMER, Mr. MARTINEZ, Mr. SUNUNU, Ms. SNOWE, Mr. SMITH, and Mr. MCCONNELL):

S. 1369. A bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice; to the Committee on the Judiciary.

By Mr. BENNETT (for himself, Mr. CONRAD, and Mr. BYRD):

S. 1370. A bill to provide for the protection of the flag of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Ms. COLLINS, and Mr. DODD):

S. 1371. A bill to extend the termination date of Office of the Special Inspector General of Iraq Reconstruction and provide additional funds for the Office, and for other purposes; to the Committee on Foreign Relations.

By Mr. BURNS (for himself, Ms. SNOWE, Mr. MARTINEZ, and Mr. ALLEN):

S. 1372. A bill to provide for the accuracy of television ratings services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself, Mr. CORZINE, Mr. COBURN, Mr. DEWINE, Mr. DURBIN, Mr. KERRY, and Mr. SALAZAR):

S. Res. 186. A resolution affirming the importance of a national weekend of prayer for the victims of genocide and crimes against humanity in Darfur, Sudan, and expressing the sense of the Senate that July 15 through July 17, 2005, should be designated as a national weekend of prayer and reflection for the people of Darfur; considered and agreed to.

By Mr. LOTT (for himself, Mr. DODD, and Mr. FRIST):

S. Res. 187. A resolution authorizing the taking of video images in the Chamber of the United States Senate; considered and agreed to.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 188. A resolution to authorize representation by the Senate Legal Counsel in the case of LaFreniere v. Congress of the United States; considered and agreed to.

By Mr. SMITH (for himself and Mrs. DOLE):

S. Res. 189. A resolution congratulating Michael Campbell for his victory in the U.S. Open golf tournament and celebrating the relationship between the United States and New Zealand; considered and agreed to.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. Res. 190. A bill recognizing the 100th anniversary of Mesa Verde National Park; considered and agreed to.

By Mr. FRIST (for himself, Mr. REID, Mr. MCCAIN, Mr. KYL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 191. A resolution honoring Associate Justice of the Supreme Court of the United States Sandra Day O'Connor; considered and agreed to.

ADDITIONAL COSPONSORS

S. 27

At the request of Mrs. HUTCHISON, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 27, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes.

S. 39

At the request of Mr. STEVENS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 39, a bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration.

S. 78

At the request of Mrs. HUTCHISON, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 78, a bill to make permanent marriage penalty relief.

S. 183

At the request of Mr. GRASSLEY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 183, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 313

At the request of Mr. LUGAR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 558

At the request of Mr. REID, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 627

At the request of Mr. BAUCUS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 642

At the request of Mr. FRIST, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including

the Boy Scouts of America, and for other purposes.

S. 853

At the request of Mr. LUGAR, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 853, a bill to direct the Secretary of State to establish a program to bolster the mutual security and safety of the United States, Canada, and Mexico, and for other purposes.

S. 1010

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1010, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1014

At the request of Ms. SNOWE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1014, a bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes.

S. 1153

At the request of Mr. BUNNING, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1153, a bill to provide Federal financial incentives for deployment of advanced coal-based generation technologies.

S. 1158

At the request of Mr. KENNEDY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1158, a bill to impose a 6-month moratorium on terminations of certain plans instituted under section 4042 of the Employee Retirement Income Security Act of 1974 in cases in which reorganization of contributing sponsors is sought in bankruptcy or insolvency proceedings.

S. 1265

At the request of Mr. VOINOVICH, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Colorado (Mr. SALAZAR) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1265, a bill to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines.

S. 1287

At the request of Mr. COLEMAN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1287, a bill to amend the definition of independent student for purposes of the need analysis in the Higher Education Act of 1965 to include older adopted students.

S. 1313

At the request of Mr. CORNYN, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from South Dakota (Mr. THUNE) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1317

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S. 1321

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications.

S.J. RES. 19

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S.J. Res. 19, a joint resolution calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TALENT (for himself, Mr. DODD, Mr. ALEXANDER, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. COLEMAN, Mrs. DOLE, Mr. DEWINE, Mr. GRAHAM, Mr. KERRY, Mr. KYL, Ms. LANDRIEU, Mr. NELSON of Florida, Mr. LOTT, Mr. SANTORUM, Mr. SCHUMER, Mr. MARTINEZ, Mr. SUNUNU, Ms. SNOWE, Mr. SMITH, and Mr. MCCONNELL):

S. 1369. A bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice; to the Committee on the Judiciary.

Mr. ALEXANDER. Mr. President, I join the Senators from Missouri and Connecticut in introducing the Unsolved Civil Rights Crime Act. I do so because I believe that this legislation takes the right approach when dealing with the wrongs of our past. It takes action. It takes positive steps forward to correct injustices. It recommits us to one of our highest ideals as Americans—that justice will not be denied.

Specifically, the bill creates a new office within the Department of Justice Civil Rights Division specifically tasked to investigate ''cold case'' murders from the civil rights era. It will commit the resources of the Department of Justice to work in conjunction with State and local law enforcement to aggressively prosecute criminals in those cases.

The Unsolved Civil Rights Crime Act might well be named in honor of James Chaney, Michael Schwerner, and Andrew Goodman—the three civil rights workers who were shot to death by former Ku Klux Klansman Edgar Ray Killen. Forty-one years later, thanks to the efforts of the victims' families, Mississippi State officials, and many others who would not let this crime go unpunished, Killen sits in solitary confinement in a State prison outside Jackson, Mississippi, right where he belongs.

Justice will not be denied. And the Unsolved Civil Rights Crime Act will see to it that others like Edgar Ray Killen are punished for their crimes. It will pour new resources into the investigations of other unsolved cases—like that of 14-year old Emmett Till, who was kidnapped and murdered in 1955.

Recently, the Senate apologized for the failure of earlier Senators to enact federal antilynching legislation in the 1930s and 1940s. In discussing that resolution, I reminded my colleagues of how often we as a Nation have failed to live up to our great ideals. But usually when we have failed, we have recognized that failure and recommitted ourselves to those ideals and reached for them again. We did not simply acknowledge our failure and give up—we took action to correct our shortcomings. We abolished slavery. We granted women the right to vote. We desegregated our schools. Here, with this bill, we take action once more.

Actions speak louder than words. If the Edgar Ray Killen conviction is any indication, then the action we would take by passing this bill would speak very loudly indeed. When Killen was convicted, the Nashville City Paper ran an editorial, which I will include in full following my remarks, that summed up just why taking action is so important. The editorial concluded, ''As long as Civil Rights era killers are still alive and free, justice has not yet been fully served. Hunting them down and bringing them to account for their actions is far and away the best apology any of us can make for their crimes.''

Today, we do not merely rest on words of apology—we take action. When it comes to questions of civil rights that has always been what I have tried to do. In 1962 when I was the student newspaper editor, Vanderbilt University's undergraduate school was segregated. I could have apologized for the actions of the board of trust; instead, I helped integrate the school. As Governor and President of the University of Tennessee, instead of apologizing for my predecessors, I appointed the first African American Supreme Court Justice and university vice-presidents. Instead of apologizing for Tennessee legislatures that had refused to enact the Martin Luther King Holiday, I helped make it law. I did not think it was effective merely to apologize for what others had failed to do. America is a work in progress. If we were to apologize for every failure to reach our lofty goals, there would be no end to it.

I believe it is better to look forward and take action rather than look backward and apologize for others. I believe this bill does just that. Passing this bill today hopefully means that tomorrow one more unsolved case is opened; one more criminal is brought to justice; one more family can find peace.

Justice delayed is justice denied. This bill will help make sure that justice will be delayed no longer. And it is for that reason that I am proud to join my colleagues in cosponsoring the Unsolved Civil Rights Crime Act.

I ask unanimous consent that the article I referenced earlier be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the (Nashville) City Paper, Jun. 28, 2005]

PUNISHING MEN LIKE KILLEN BEST POSSIBLE APOLOGY

For most of early June, a heated debate raged in this country over whether the U.S. Senate acted properly in apologizing for failing to pass a federal anti-lynching law. Much of the criticism was directed at Sen. Lamar Alexander, who declined to co-sponsor the resolution.

It is hard to dispute that the federal government should have acted sooner to protect the rights of all Americans during the Civil Rights struggle. There was certainly no harm in the Senate acknowledging its predecessors' institutional failure in this matter. As Alexander and others pointed out, however, an apology on behalf of long-dead third parties, whatever their failures, is ultimately a gesture. This is not the case with the conviction of Edgar Ray Killen in Philadelphia, Miss.

Almost 41 years to the day after three Civil Rights workers were set up by law enforcement officers and brutally murdered by Klansmen, a Mississippi jury convicted Killen, one of the crime's organizers, of three counts of manslaughter. In doing so, the state of Mississippi did what it should have done long ago: It fixed personal responsibility for this hideous act on one of the perpetrators, as it took responsibility for seeing justice done.

As author Robert Heinlein once observed, ''It is impossible to shift blame, share blame, distribute blame . . . as blame, guilt, responsibility are matters taking place inside human beings singly and nowhere else.'' By prosecuting and convicting Edgar Ray Killen, the state of Mississippi did more than simply make a gesture shifting the responsibility to past state leaders. As certainly as the verdict put some of the responsibility for the murders on Killen, it also demonstrated the acceptance by individual Mississippians of the guilt and blame, not for the murders, but for the 41-year wait for justice.

The task is not yet finished. As long as Civil Rights era killers are still alive and free, justice has not yet been fully served. Hunting them down and bringing them to account for their actions is far and away the best possible apology any of us can make for their crimes.

By Mr. BENNETT (for himself, Mr. CONRAD, and Mr. BYRD):

S. 1370. A bill to provide for the protection of the flag of the United States, and for other purposes; to the Committee on the Judiciary.

Mr. BENNETT. Mr. President, I rise today to introduce legislation on behalf of myself and Senator CONRAD that has to do with the desecration of the flag. All of us are angered when we see someone burn or otherwise desecrate the American flag, and I believe it is appropriate that we take such steps as are appropriate to deal with such desecration.

Over the years I have been in the Senate, I have opposed amending the Constitution to deal with this issue for two reasons. First, there are not that many cases of flag desecration for us to see as we look around the country. And I am reluctant to amend the Constitution to deal with a non-problem. Flag desecration hit its peak during the Vietnam years, but it has virtually disappeared now and occurs, ironically, only when debate about amending the Constitution becomes a subject of public discourse. We seem to stimulate flag desecration when we have the debate on amending the Constitution with respect to it.

So for that reason, I have consistently opposed a constitutional amendment on desecration of the flag.

However, as I have studied the matter and spent time with the legal experts at the Congressional Research Service over at the Library of Congress, I have found that there are things that can be done with respect to flag desecration that also establish our reverence for the flag, but do not require a constitutional amendment.

I have introduced this legislation before. It has not progressed in the congressional process to the opportunity for a vote, and I am not sure it will this time. But I wish to make it clear to my constituents and to others who have concern about this problem that my objection to a constitutional amendment should not be construed as demonstrating indifference to the issue of reverence for the flag.

Senator CONRAD has joined me on this occasion as he has at previous times when this legislation has been introduced, and I am happy to have him as an original co-sponsor on the bill at this time.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. BENNETT. I will be happy to yield.

Mr. BYRD. I wish to associate myself with the remarks of the distinguished Senator, and I would appreciate if he would add my name as a co-sponsor.

Mr. BENNETT. Mr. President, I am happy to ask unanimous consent that the honorable Senator from West Virginia be added as an original co-sponsor to the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BENNETT. I have been interested at the reaction that has come from my constituents as I have held this position over the years. I remember a conversation with Utah's most respected pollster just before I cast my first vote against the flag amendment. He said: Senator, according to my polls, 80 percent of the people of Utah are in favor of a constitutional amendment with respect to the flag, and something like 60 percent of them consider it a voting issue. That is, they would be more likely to vote against a candidate who voted against the flag amendment than they would to vote for him. We talked about it, and he said: What are you going to do? I said: Regardless of the poll numbers, I am going to vote against the amendment. He laughed a little and he said: That is what I thought. I think it will stand you in good stead with your constituents who will respect your courage even if they do not agree with your position.

I was grateful for those words of encouragement, and I am happy to report that has happened.

I ask unanimous consent that at the end of my statement, two editorials be printed in the RECORD from Utah's two newspapers with the highest circulation, the Salt Lake Tribune and the Deseret Morning News.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BENNETT. The Salt Lake Tribune editorial makes this comment:

If respect for something has to be required by law, then it isn't respect. If regard for a symbol of freedom has to be imposed by carving a hole out of our basic charter of rights, then it isn't freedom.

And it concludes with this sentence:

The rare act of torching an American flag is one of two things: pointless or meaningful. If it is pointless, the worst it could be called is vandalism, and should be treated as such. If it is meaningful, even full of meaning we don't like, then it is and must remain constitutionally protected expression.

Now turning to the editorial from the Deseret Morning News, the lead paragraph there says:

Once again, the House of Representatives has passed a constitutional amendment to protect the American flag from desecration. This is an annual event almost as predictable as the swallows returning to Capistrano. So, too, is the Senate's annual ritual of not passing it.

They conclude with this comment which I am happy to include in the record because it says nice things about me. We always like comments that do that. It says:

One of the Senate votes against it belongs to Utah Senator Bob Bennett, who normally agrees with much that Senator Hatch supports. He has said he is unwilling to overturn 200 years of tradition in regard to the First Amendment.

He's right. The Constitution is no place for feel-good amendments that do nothing but restrict freedoms.

Finally, Mr. President, I share with you the comment that I have had from one of my colleagues also, and I will not speak directly for him but associate myself with the line. He said: When my Senate career is over, I don't want the most important constitutional vote that I have cast to be one that weakens the first amendment.

I ask unanimous consent the text of the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. I thank the Chair. I am glad to be here in the Chamber during the remarks of the Senator from Utah and have him explain for all of our benefit his position on important issues such as flag desecration. While I think some of us differ about the means to the end, I think the end is important, and that is protecting the symbol of our country and the symbol of our freedom. For myself, I think if we can offer protection to a symbol of our country like the bald eagle, then we should offer protection to other symbols of our country including our flag. But I always consider Senator BENNETT to be one of the wise men in the Senate, and I certainly defer to his great judgment and wisdom. I appreciate his introduction today, and I look forward to studying it more closely.

EXHIBIT 1

[From the Deseret Morning News, Jun. 24, 2005]

DUMP THE FLAG AMENDMENT

Once again, the House of Representatives has passed a constitutional amendment to protect the American flag from desecration. This is an annual event almost as predictable as the swallows returning to Capistrano. So, too, is the Senate's annual ritual of not passing it.

This year, there is reason to think the Senate may be inching closer to passing it, and that's a concern.

Few things are as reprehensible as watching someone protest the government by burning the flag. Particularly at a time when the nation is involved in a military conflict, it is a stunning affront to brave men and women who are sacrificing their all for freedom.

But it would be wrong to rewrite the Constitution to equate a forced honoring of the flag with other freedoms guaranteed by the Bill of Rights. As upsetting as it is, flag burning is a form of expression every bit as much as flag waving. And a nation that attributes part of its greatness to its willingness to tolerate dissent and protest can't afford to stifle this type of speech.

Flag burning—an occurrence so rare most Americans would be hard-pressed to pinpoint the last time they saw it—would not disappear because of an amendment. Chances are, it would become more prevalent, out of some misguided attempt to stand on principle. That would harm public morale at an important point in history, and the pride many Americans feel in their ability to tolerate free speech would feel more hollow.

Besides, an amendment would raise a number of troubling questions that surely would be tested by 1 the nation's detractors. Would it be illegal to desecrate something that was almost a flag? For instance, if protesters create something that looks like the flag but has less than 50 stars, could they be punished for burning it? And what about hanging the flag upside down or in other ways considered disrespectful? A lot of clothes these days, from hats to T-shirts to blue jeans, contain images of the flag. Would these, too, be covered under the amendment? Would they, themselves, be illegal?

Courts would be kept busy for decades answering these and other questions.

This is the sixth time the flag amendment has passed the House. Should it pass the Senate, where its sponsor is Utah Sen. ORRIN HATCH, it would be almost assured of ratification by the states. All 50 states already have resolutions calling for it to pass.

One of the Senate votes against it belongs to Utah Sen. BOB BENNETT, who normally agrees with much that HATCH supports. He has said he is unwilling to overturn 200 years of tradition in regard to the First Amendment.

He's right. The Constitution is no place for feel-good amendments that do nothing but restrict freedoms.

[From the Salt Lake Tribune, Jun. 24, 2005]

FLAG DESECRATION: AMENDMENT WOULD LIMIT THE RIGHTS THAT THE FLAG SYMBOLIZES

If respect for something has to be required by law, then it isn't respect. If regard for a symbol of freedom has to be imposed by carving a hole out of our basic charter of rights, then it isn't freedom.

We sympathize with those whose eyes water, fists clench or guts churn whenever they see someone destroying an American flag. It is generally a juvenile act by someone who just wants to attract attention by shocking the straights.

But living in a free nation requires putting up with a lot of attention-getting behavior, especially the kind that neither breaks our arm nor picks our pocket.

Thus much praise is due Utah's Sen. Robert Bennett and Rep. Jim Matheson for showing the political maturity to again oppose a proposed constitutional amendment that would allow Congress to ''prohibit the physical desecration of the flag of the United States.''

That amendment passed the House Wednesday, with Utah Reps. Chris Cannon and Rob Bishop in the 286–130 majority. It now goes to the Senate, where Utah's Orrin Hatch will again push for its passage.

It is sad to see Hatch, who has been showing some wisdom born of soul-searching on issues such as immigration reform and stem-cell research, still clinging to this rote response to a problem that doesn't exist and wouldn't need solving if it did.

For one thing, the amendment is represented as a simple patriotic statement. But the fact is that it would, if passed, by two-thirds of the Senate and ratified by three-fourths of the states, become a field day for anti-anything activists, smarty-pants lawyers and activist judges.

By one definition of the word, to ''desecrate'' is to defile a sacred object. Sacred is a religious, not a civil, term. Thus it could be argued that it is etymologically impossible to ''desecrate'' a symbol of an earthly nation.

The other meaning of the word is basically to treat something with disrespect. That would including burning and soiling. But would it also include the woman who just the other day wore a flag-patterned bikini top to frolic in the Olympic fountain at the Gateway?

The rare act of torching an American flag is one of two things: pointless or meaningful. If it is pointless, the worst it could be called is vandalism, and should be treated as such. If it is meaningful, even full of meaning we don't like, then it is, and must remain, constitutionally protected expression.

Mr. CONRAD. Mr. President, as we prepare to celebrate our Nation's independence this weekend, many familiar images come to my mind: fireworks, family, celebration, community, parades, apple pie and everything American. Above all, I think of the flag on the Fourth of July.

The American flag is a powerful symbol in this country. It represents many things to many Americans—our Nation, our independence, our principles, and our sacrifices, among other things. To some of our brave servicemen and women who fought for this country, the flag symbolizes our freedom. To others, including parents of soldiers killed in battle, the flag is symbolic of all Americans who gave their lives in all wars.

I have the utmost respect for the flag as a symbol of our Nation and our freedom, and abhor acts of desecration against it. Burning a flag, or otherwise dishonoring it, is repugnant to me, my colleagues, and the brave men and women who serve and have served in the Armed Forces, as well as the vast majority of American citizens. We must protect the flag from the acts of those few who would dishonor it.

That is why I am joining Senator BENNETT today in introducing the Flag Protection Act of 2005, to criminalize flag desecration. While other flag protection statutes have been found to be unconstitutional, this bill was carefully crafted to avoid the problems of previous statutes. In fact, the American Law Division of the Congressional Research Service has studied it and believes it would pass Constitutional muster.

It is my hope that we can act quickly to protect the flag. This bill will accomplish that goal, and I ask my colleagues to give it serious consideration.

By Mr. BURNS (for himself, Ms. SNOWE, Mr. MARTINEZ, and Mr. ALLEN):

S. 1372. A bill to provide for the accuracy of television ratings services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BURNS. Mr. President. I rise to introduce the FAIR Ratings bill. I am pleased to be joined in introducing this bill by my colleagues, Senators MARTINEZ, SNOWE, and ALLEN.

As a former broadcaster, I understand that when TV stations plan their programming, they and their advertisers must rely on the information provided by commercial TV ratings companies. And it is vital that this data be as accurate, fair, and inclusive as possible, because TV ratings ultimately determine what programming ends up on the air. They also help broadcasters to meet their public interest obligations. For these reasons, I feel that it is very much in the public interest for TV ratings to be fair, accurate, and as fully representative of the population as possible.

The dominant company that provides TV ratings, and has done so for the last 50 years, is Nielsen Media Research. Nielsen is a great company and a great American institution—no doubt about it. The innovation that Nielsen showed in its early years, and continues to show today in other ways, show that its leading role in the field is well-deserved.

Our friends from Nielsen may have already spoken to many of you about this bill, and let me assure you up front that this is not a bill ''against'' Nielsen. It would apply to any other company or new technology whose ratings service determines what we see on TV. But Nielsen will definitely be the most affected party if the bill passes, so let me characterize this instead as a bill to keep Nielsen honest and accountable to its customers, and to the public.

Because Nielsen today is pretty close to being a monopoly, any way you look at it. A private, unregulated monopoly provider of an essential public service. And as basic economics and everyday practice show, monopolies have the ability to abuse their power, because they are not constrained by competition—there is nowhere else for a TV station or advertiser to go if they don't like what they get or how they are treated. Barriers to entry are pretty high in that business—it is not simple or cheap to set up a nationwide TV ratings service.

And that monopoly power has been abused in the past. Forty years ago or so, there were a couple of nationwide scandals about TV ratings. I remember that well, and some of you may even have seen the movie. Payola and game shows. At that time, Nielsen's service was found to be mixed up with all that in some way, and was reporting flawed data.

And Congress got involved. The Senate had hearings for many months, and at the end of it, there was a report—the Harris Commission report—that called for the creation of an independent, industry-run, private oversight body to audit and accredit Nielsen's ratings measurement systems for accuracy.

That body was created in 1964 and is now called the Media Rating Council. It continues to audit and accredit TV ratings systems to this day, consulting closely with Nielsen and its own members, who are the main consumers of TV ratings data. It has long experience and great expertise at conducting audits of ratings data for quality and accuracy. And it has broad industry support and participation.

The Media Rating Council's role today, and its relationship with Nielsen, or any other TV rating company that may come to equal prominence in the future, are what concern me and moved me to introduce this bill.

Last year, Nielsen introduced a new technology called Local People Meters, which was designed to measure viewer behavior in a more accurate way and to replace the old paper diaries. This system was similar to a technology that Nielsen had introduced in the late 1980s. In both cases, there were big changes in the TV ratings when Nielsen moved from the old system to the new one. To the extent that these changes simply captured viewer preferences more accurately, this was good for the industry and for TV viewers in general. There is no public interest in which channel gets higher or lower ratings, so long as the measurement is accurate.

But in certain cases, in four of our largest cities last year, it was not. It turns out that, since the meters operate differently from the diary system, there were flaws in the measurement of the underlying data by demographic group, due to higher ''fault rates'' among certain groups: African-Americans, Hispanics, younger viewers, larger families, and certain others.

And here is where the Media Rating Council came in. They had audited the data and examined the people meter system in certain cities in advance, in a trial period, and identified these problems. And they told Nielsen about them in advance. And they told Nielsen that the undercounting should be fixed before it sold the data from this system commercially.

And what did Nielsen do? It effectively ignored the MRC's prior findings. It said it would work to fix the system while it was already ''live'' and producing real TV ratings—with those flaws—and would continue to roll out the new technology in other cities before the problems were fixed in the old ones.

I chaired a hearing last summer in the Commerce Committee on this issue, and have continued to monitor the situation closely since then. At that hearing, Nielsen indicated that it would have the problems fixed within a few weeks. Now, a year later, they are still not fixed, despite clear instructions from the Media Rating Council. And while Nielsen has been cooperative with customers and critics—to its credit—the fundamental issue of oversight enforcement has not been resolved.

Now I agree with Nielsen, and most others do too, that the people meters, when implemented correctly, produce better numbers than the diaries. And we should be glad that Nielsen is devoting the resources to developing new technologies, as it should. The diary system, after all, hasn't really changed much since the 1950s.

But it is also clear that Nielsen should not have moved ahead without the full prior approval of the Media Rating Council, which is the expert organization set up—at the behest of Congress—to ensure TV ratings accuracy. It was this action, more than any of the other details of the controversy, that indicated to me that the oversight system was missing some essential teeth.

So my bill simply makes prior Media Rating Council accreditation for TV ratings systems mandatory, not voluntary, as it is today. It backstops a system that has been in place for 40 years.

It is not a bill about the Local People Meter system. It is not a bill about the ratings of one broadcast company or any group of companies. It is not even a bill about Nielsen, although it will clearly be the most affected company.

Further, there is no government role whatsoever envisioned in this bill. It does not create any new government standards, regulation, or bureaucracy: the oversight will be carried out by a private, self-governing, industry body that has already been operating for 40 years.

So, I hope we can all agree that accurate TV ratings are in the public interest. I hope we can all agree that private industry oversight, by the entity set up by Congress 40 years ago, is the best way to ensure that. And if we can, I hope all of my colleagues in the Senate will support this bill, on behalf of all television viewers throughout the United States.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 186—AFFIRMING THE IMPORTANCE OF A NATIONAL WEEKEND OF PRAYER FOR THE VICTIMS OF GENOCIDE AND CRIMES AGAINST HUMANITY IN DARFUR, SUDAN, AND EXPRESSING THE SENSE OF THE SENATE THAT JULY 15 THROUGH JULY 17, 2005, SHOULD BE DESIGNATED AS A NATIONAL WEEKEND OF PRAYER AND REFLECTION FOR THE PEOPLE OF DARFUR

Mr. BROWNBACK (for himself, Mr. CORZINE, Mr. COBURN, Mr. DEWINE, MR. DURBIN, Mr. KERRY, and Mr. SALAZAR) submitted the following resolution; which was considered and agreed to:

S. RES. 186

Whereas, on July 22, 2004, Congress declared that genocide was taking place in Darfur, Sudan;

Whereas, on September 9, 2004, Secretary of State Colin L. Powell testified to the Senate Committee on Foreign Relations that ''genocide has been committed in Darfur'';

Whereas, on September 21, 2004, President George W. Bush stated to the United Nations General Assembly that ''the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide'';

Whereas Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris December 9, 1948, and entered into force January 12, 1951, states that ''[t]he Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish'';

Whereas fundamental human rights, including the right to freedom of thought, conscience, and religion, are protected in numerous international agreements and declarations;

Whereas the United Nations Security Council, in Security Council Resolution 1591, condemned the ''continued violations of the N'djamena Ceasefire Agreement of 8 April 2004 and the Abuja Protocols of 9 November 2004 by all sides in Darfur and the deterioration of the security situation and negative impact this has had on humanitarian assistance efforts'';

Whereas President Bush declared on June 30, 2005, ''Yet the violence in Darfur region is clearly genocide. The human cost is beyond calculation.''

Whereas it is estimated that more than 2,000,000 people have been displaced from

their homes and remain in camps in Darfur, Chad, and elsewhere;

Whereas while United States government assistance and African Union monitoring has mitigated violence in some regions of Darfur, religious leaders, genocide survivors, and world leaders have expressed grave concern, over the atrocities still occurring there and for the thousands that may still be dying; and

Whereas it is appropriate that the people of the United States, leaders and citizens alike, unite in prayer for the people of Darfur and reflect upon the situation in Darfur: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that the weekend of July 15 through 17, 2005, should be designated as a National Weekend of Prayer and Reflection for the people of Darfur, Sudan;

(2) to encourage the people of the United States to observe that weekend by praying for an end to the genocide and crimes against humanity and for lasting peace in Darfur, Sudan; and

(3) to urge all churches, synagogues, mosques, and religious institutions in the United States to consider the people of Darfur in their activities and to observe the National Weekend of Prayer and Reflection with appropriate activities and services.

SENATE RESOLUTION 187—AUTHORIZING THE TAKING OF VIDEO IMAGES IN THE CHAMBER OF THE UNITED STATES SENATE

Mr. LOTT (for himself, Mr. DODD, and Mr. FRIST) submitted the following resolution; which was considered and agreed to:

S. RES. 187

Resolved,

SECTION 1. AUTHORIZATION OF TAKING OF VIDEO IMAGES IN SENATE CHAMBER.

(a) AUTHORIZATION.—Subject to subsection (b), paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) is temporarily suspended for the purpose of permitting the C–SPAN television network to take, during a period the Senate is in recess, video images of the Senate Chamber.

(b) LIMITATION ON USE OF IMAGES.—The C–SPAN television network may use video images taken under subsection (a) solely for inclusion in a documentary on the history of the United States Capitol which the network is preparing.

(c) ARRANGEMENTS.—The Sergeant at Arms and Doorkeeper of the Senate shall make the necessary arrangements to carry out this resolution, including such arrangements as are necessary to ensure that the taking of video images under this resolution does not disrupt any proceeding of the Senate.

SENATE RESOLUTION 1881—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF LAFRENIERE V. CONGRESS OF THE UNITED STATES

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 188

Whereas, the United States Congress has been named as a defendant in the case of LaFreniere v. Congress of the United States, Civ. No. 05–1368, pending in the United States District Court for the Northern District of California;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend in civil actions the Senate when there is placed in issue the validity of any action taken by the Senate in its official capacity;

Whereas, pursuant to section 708(c) of the Ethics in Government Act of 1978, 2 U.S.C. § 288g(c), the Senate may direct its counsel to perform other duties: Now, therefore, be it

Resolved, That the Senate Legal Counsel, in conjunction with counsel for the House of Representatives, is authorized to represent the United States Congress in the case of LaFreniere v. Congress of the United States.

SENATE RESOLUTION 189—CONGRATULATING MICHAEL CAMPBELL FOR HIS VICTORY IN THE U.S. OPEN GOLF TOURNAMENT AND CELEBRATING THE RELATIONSHIP BETWEEN THE UNITED STATES AND NEW ZEALAND

Mr. SMITH (for himself and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 189

Whereas on June 19, 2005, Michael Campbell, a citizen of New Zealand, won the United States Golf Association's Open Championship (''U.S. Open'');

Whereas the U.S. Open was held at Pinehurst No. 2, one of the most storied and difficult courses in professional golf;

Whereas Michael Campbell's even par 280 was 2 strokes better than any other golfer in the field;

Whereas Michael Campbell showed great perseverance and resolve by becoming the first golfer to come from behind to win the U.S. Open in 7 years;

Whereas Michael Campbell became the first New Zealander to win one of golf's 4 major tournaments since Bob Charles won the British Open in 1963;

Whereas New Zealand has long been a prominent fixture on the stage of international sports, winning 2 of the last 3 America's Cup yacht races and 3 gold medals and 2 silver medals at the 2004 Summer Olympic Games in Athens, Greece;

Whereas the competitive spirit and success of these athletes is reflective of the bravery and skill of New Zealand's seagoing indigenous explorers, the Maori, of whom Michael Campbell is a descendent;

Whereas Michael Campbell's Maori-Scottish heritage is representative of the great cooperation between, and harmonious blending of, Polynesian and European cultures;

Whereas New Zealand was a staunch ally in every major conflict of the 20th Century and its people made heroic efforts and enormous sacrifices to help protect freedom and democracy throughout the world;

Whereas New Zealand has contributed regularly to international peacekeeping operations, remains steadfast in their alliance in the fight against terrorism and extremism, and continues to assist in the reconstruction of Iraq and Afghanistan; and

Whereas New Zealand remains a close ally: Now, therefore, be it

Resolved, That the Senate—

(1) commends Michael Campbell for his outstanding achievement in winning the U.S. Open;

(2) celebrates Michael Campbell's victory as a proud moment for New Zealand;

(3) recognizes Michael Campbell's victory as an opportunity to—

(A) highlight the strong relationship and rich history between the United States and New Zealand; and

(B) foster greater collaboration and friendship between these 2 great nations; and

(4) expresses arohanui to the peoples of Aotearoa, our friends in the Land of the Long White Cloud.

SENATE RESOLUTION 190—A BILL RECOGNIZING THE 100TH ANNIVERSARY OF MESA VERDE NATIONAL PARK

Mr. SALAZAR (for himself and Mr. ALLARD) submitted the following resolution; which was considered and agreed to:

S. RES. 190

Whereas Mesa Verde National Park was created 100 years ago by an Act of Congress and signed into law by President Theodore Roosevelt on June 29, 1906, as the first National Park set aside to preserve the works of humankind;

Whereas the more than 5,000 archeological sites, including over 600 cliff dwellings, protected within the 52,000-acre boundary of Mesa Verde National Park represent some of the most spectacular and best-preserved prehistoric architecture in the world;

Whereas in 1928, Congress declared the natural resources of Mesa Verde National Park to be of such caliber as to be worthy of the same level of protection as the cultural resources therein;

Whereas 8,500 acres within Mesa Verde National Park were designated as wilderness by Congress on October 20, 1976;

Whereas on September 8, 1978, the United Nations Educational, Scientific, and Cultural Organization (''UNESCO'') declared Mesa Verde National Park to be 1 of 8 original World Cultural Heritage Sites;

Whereas Mesa Verde National Park is part of our American heritage that is universally recognized and shared with the world;

Whereas Mesa Verde National Park is the primary driving force behind the economy of southwestern Colorado and the Four Corners Region;

Whereas the communities of Cortez, Dolores, Mancos, and Durango, Colorado, have come together to plan a year-long celebration worthy of this magnificent icon of the National Park System; and

Whereas 24 American Indian tribes recognize Mesa Verde as their ancestral home and contribute a rich cultural heritage to the experience of visitors to the region: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 100th anniversary of Mesa Verde National Park; and

(2) urges all citizens of the United States to join in the Centennial Celebration of Mesa Verde National Park by participating in the many activities planned throughout the year in 2006.

SENATE RESOLUTION 191—HONORING ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES SANDRA DAY O'CONNOR

Mr. FRIST (for himself, Mr. REID, Mr. MCCAIN, Mr. KYL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr.

BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 191

Whereas, for nearly a quarter century, Justice Sandra Day O'Connor honorably served as a fair and impartial Justice on the Supreme Court of the United States;

Whereas Sandra Day O'Connor, the daughter of Harry and Ada Mae, was born in El Paso, Texas, and was raised by her family on a cattle ranch in southeastern Arizona;

Whereas Sandra Day O'Connor began an academic journey at Stanford University, earning a bachelor's degree in economics and graduating magna cum laude;

Whereas Sandra Day O'Connor continued her education at Stanford University, by enrolling in the Stanford Law School, where she served on the Board of Editors of the law review;

Whereas, graduating in just 2 years from Stanford Law School, Sandra Day O'Connor managed to finish third in an impressive class, which included her future Supreme Court of the United States colleague Chief Justice William H. Rehnquist;

Whereas Sandra Day O'Connor married her great love, John Jay O'Connor III, in 1952;

Whereas Sandra Day O'Connor began a legal career as the Deputy County Attorney of San Mateo, California;

Whereas, when John Jay O'Connor III was drafted into the JAG Corps in 1953, the young couple moved to Frankfurt, Germany, where Sandra Day O'Connor worked as a civilian attorney for Quartermaster Market Center;

Whereas, after 4 years in Europe, Sandra Day O'Connor returned to Maryvale, Arizona, where she began a legal practice and raised 3 sons, Scott, Brian, and Jay;

Whereas in 1965, Sandra Day O'Connor began service in State government as the Assistant Attorney General for Arizona;

Whereas Sandra Day O'Connor was later appointed to the Arizona State Senate and then re-elected twice more by the people of Arizona;

Whereas Sandra Day O'Connor served as majority leader of the Arizona State Senate, and was the first woman to hold such an office in any State;

Whereas in 1975, Sandra Day O'Connor was elected Judge of Maricopa County Superior Court and served in such capacity until 1979;

Whereas President Ronald Reagan appointed Sandra Day O'Connor to serve as Associate Justice of the Supreme Court of the United States;

Whereas, on September 21, 1981, the Senate unanimously confirmed the nomination of Sandra Day O'Connor to the Supreme Court of the United States, and she became the first female Justice in the Court's history;

Whereas, since September 25th, 1981, Justice Sandra Day O'Connor has served with distinction on the Supreme Court of the United States;

Whereas Sandra Day O'Connor has served as an example to all the people of the United States, demonstrating that through persistence and hard work anything is possible;

Whereas, throughout her tenure on the Supreme Court of the United States, Sandra Day O'Connor has not lost sight of her values and has not wavered from her well-grounded views;

Whereas President Ronald Reagan, on the date he appointed Sandra Day O'Connor to the Supreme Court of the United States, said, ''[s]he is truly a 'person for all seasons', possessing those unique qualities of temperament, fairness, intellectual capacity and devotion to the public good which have characterized the 101 'brethren' who have preceded her'';

Whereas now, more than 23 years later, the comments President Reagan made about Sandra Day O'Connor still ring true;

Whereas when Sandra Day O'Connor took the oath of office as Associate Justice, she pledged to uphold the Constitution, and has since then proven a steadfast commitment to the rule of law;

Whereas the wisdom, intellect, respect for others, and humility of Sandra Day O'Connor have allowed her to become well-respected among her colleagues, including those with opposing judicial philosophies;

Whereas Sandra Day O'Connor is an independent thinker and has made great contributions in many substantive areas of the law;

Whereas Sandra Day O'Connor embodies the ideal qualities of a judge, including fairness, impartiality, and open-mindedness;

Whereas, a true public servant, Sandra Day O'Connor has proudly served the United States for 4 decades as an Arizona State Senator and majority leader, State court judge, an Assistant Attorney General for Arizona, and for more than 23 years as an Associate Justice on the Supreme Court of the United States;

Whereas through her experiences, Justice Sandra Day O'Connor has brought a unique perspective and understanding of checks and balances to the Supreme Court of the United States; and

Whereas, Sandra Day O'Connor, a brilliant jurist and a compassionate woman, has earned a place in history as the first woman to serve on the Supreme Court of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Associate Justice of the Supreme Court of the United States Sandra Day O'Connor as a great American, a lifelong public servant, a brilliant legal scholar, a superb jurist, and the first woman ever to serve as an Associate Justice on the Supreme Court of the United States; and

(2) pays tribute to Sandra Day O'Connor, Associate Justice of the Supreme Court of the United States, for 4 decades of distinguished service to the nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1099. Mr. MCCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill S. 362, to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

SA 1100. Mr. MCCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill S. 39, to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration.

SA 1101. Mr. MCCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill S. 50, to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, and for other purposes.

SA 1102. Mr. MCCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill S. 361, to develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans and Great Lakes, improve warnings of tsunamis and other natural hazards, enhance homeland security, support maritime operations, and for other purposes.

SA 1103. Mr. MCCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill S. 361, supra.

SA 1104. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1099. Mr. MCCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill S. 362, to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Marine Debris Research, Prevention, and Reduction Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The oceans, which comprise nearly three quarters of the Earth's surface, are an important source of food and provide a wealth of other natural products that are important to the economy of the United States and the world.

(2) Ocean and coastal areas are regions of remarkably high biological productivity, are of considerable importance for a variety of recreational and commercial activities, and provide a vital means of transportation.

(3) Marine debris, including plastics, derelict fishing gear, and a wide variety of other objects, has a harmful and persistent effect on marine flora and fauna and can have adverse impacts on human health.

(4) Marine debris is also a hazard to navigation, putting mariners and rescuers, their vessels, and consequently the marine environment at risk, and can cause economic loss due to entanglement of vessel systems.

(5) Plastic materials persist for decades in the marine environment and therefore pose the greatest potential for long-term damage to the marine environment.

(6) Insufficient knowledge and data on the source, movement, and effects of plastics and other marine debris in marine ecosystems has hampered efforts to develop effective approaches for addressing marine debris.

(7) Lack of resources, inadequate attention to this issue, and poor coordination at the Federal level has undermined the development and implementation of a Federal program to address marine debris, both domestically and internationally.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish programs within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with other Federal and non-Federal entities;

(2) to re-establish the Inter-agency Marine Debris Coordinating Committee to ensure a coordinated government response across Federal agencies;

(3) to develop a Federal information clearinghouse to enable researchers to study the sources, scale and impact of marine debris more efficiently; and

(4) to take appropriate action in the international community to prevent marine debris and reduce concentrations of existing debris on a global scale.

SEC. 3. NOAA MARINE DEBRIS PREVENTION AND REMOVAL PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There is established, within the National Oceanic and Atmospheric Administration, a Marine Debris Prevention and Removal Program to reduce and prevent the occurrence and adverse impacts of marine debris on the marine environment and navigation safety.

(b) PROGRAM COMPONENTS.—Through the Marine Debris Prevention and Removal Program, the Administrator shall carry out the following activities:

(1) MAPPING, IDENTIFICATION, IMPACT ASSESSMENT, REMOVAL, AND PREVENTION.—The Administrator shall, in consultation with relevant Federal agencies, undertake marine debris mapping, identification, impact assessment, prevention, and removal efforts, with a focus on marine debris posing a threat to living marine resources, particularly species identified as endangered or threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and species protected under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1631 et seq.), and navigation safety, including—

(A) the establishment of a process, building on existing information sources maintained by Federal agencies such as the Environmental Protection Agency and the Coast Guard, for cataloguing and maintaining an inventory of marine debris and its impacts found in the navigable waters of the United states and the United States exclusive economic zone, including location, material, size, age, and origin, and impacts on habitat, living marine resources, human health, and navigation safety;

(B) measures to identify the origin, location, and projected movement of marine debris within the United States navigable waters, the United States exclusive economic zone, and the high seas, including the use of oceanographic, atmospheric, satellite, and remote sensing data; and

(C) development and implementation of strategies, methods, priorities, and a plan for preventing and removing marine debris from United States navigable waters and within the United States exclusive economic zone, including development of local or regional protocols for removal of derelict fishing gear.

(2) REDUCING AND PREVENTING LOSS OF GEAR.—The Administrator shall improve efforts and actively seek to prevent and reduce fishing gear losses, as well as to reduce adverse impacts of such gear on living marine resources and navigation safety, including—

(A) research and development of alternatives to gear posing threats to the marine environment, and methods for marking gear used in specific fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

(B) development of voluntary or mandatory measures to reduce the loss and discard of fishing gear, and to aid its recovery, such as incentive programs, reporting loss and recovery of gear, observer programs, toll-free reporting hotlines, computer-based notification forms, and providing adequate and free disposal receptacles at ports.

(3) OUTREACH.—The Administrator shall undertake outreach and education of the public and other stakeholders, such as the fishing industry, fishing gear manufacturers, and other marine-dependent industries, on sources of marine debris, threats associated with marine debris and approaches to identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigational safety, including outreach and education activities through public-private initiatives. The Administrator shall coordinate outreach and education activities under this paragraph with any outreach programs conducted under section 2204 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1915).

(c) GRANTS.—

(1) IN GENERAL.—The Administrator shall provide financial assistance, in the form of grants, through the Marine Debris Prevention and Removal Program for projects to accomplish the purposes of this Act.

(2) 50 PERCENT MATCHING REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), Federal funds for any project under this section may not exceed 50 percent of the total cost of such project. For purposes of this subparagraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(B) WAIVER.—The Administrator may waive all or part of the matching requirement under subparagraph (A) if the Administrator determines that no reasonable means are available through which applicants can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(3) AMOUNTS PAID AND SERVICES RENDERED UNDER CONSENT.—

(A) CONSENT DECREES AND ORDERS.—If authorized by the Administrator or the Attorney General, as appropriate, the non-Federal share of the cost of a project carried out under this Act may include money paid pursuant to, or the value of any in-kind service performed under, an administrative order on consent or judicial consent decree that will remove or prevent marine debris.

(B) OTHER DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may not include any money paid pursuant to, or the value of any in-kind service performed under, any other administrative order or court order.

(4) ELIGIBILITY.—Any natural resource management authority of a State, Federal or other government authority whose activities directly or indirectly affect research or regulation of marine debris, and any educational or nongovernmental institutions with demonstrated expertise in a field related to marine debris, are eligible to submit to the Administrator a marine debris proposal under the grant program.

(5) GRANT CRITERIA AND GUIDELINES.—Within 180 days after the date of enactment of this Act, the Administrator shall promulgate necessary guidelines for implementation of the grant program, including development of criteria and priorities for grants. Such priorities may include proposals that would reduce new sources of marine debris and provide additional benefits to the public, such as recycling of marine debris or use of biodegradable materials. In developing those guidelines, the Administrator shall consult with—

(A) the Interagency Marine Debris Committee;

(B) regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(C) State, regional, and local governmental entities with marine debris experience;

(D) marine-dependent industries; and

(E) non-governmental organizations involved in marine debris research, prevention, or removal activities.

(6) PROJECT REVIEW AND APPROVAL.—The Administrator shall review each marine debris project proposal to determine if it meets the grant criteria and supports the goals of the Act. Not later than 120 days after receiving a project proposal under this section, the Administrator shall—

(A) provide for external merit-based peer review of the proposal;

(B) after considering any written comments and recommendations based on the review, approve or disapprove the proposal; and

(C) provide written notification of that approval or disapproval to the person who submitted the proposal.

(7) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success in meeting its stated goals, and impact on the marine debris problem.

SEC. 4. COAST GUARD PROGRAM.

(a) IN GENERAL.—The Commandant of the Coast Guard shall, in cooperation with the Administrator, undertake measures to reduce violations of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to the discard of plastics and other garbage from vessels. The measures shall include—

(1) the development of a strategy to improve monitoring and enforcement of current laws, as well as recommendations for statutory or regulatory changes to improve compliance and for the development of any appropriate amendments to MARPOL;

(2) regulations to address implementation gaps with respect to the requirement of MARPOL Annex V and section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) that all United States ports and terminals maintain receptacles for disposing of plastics and other garbage, which may include measures to ensure that a sufficient quantity of such facilities exist at all such ports and terminals, requirements for logging the waste received, and for Coast Guard comparison of vessel and port log books to determine compliance, taking into account

potential economic impacts and technical feasibility;

(3) regulations to close record keeping gaps, which may include requiring fishing vessels under 400 gross tons entering United States ports to maintain records subject to Coast Guard inspection on the disposal of plastics and other garbage, that, at a minimum, include the time, date, type of garbage, quantity, and location of discharge by latitude and longitude or, if discharged on land, the name of the port where such material is offloaded for disposal, taking into account potential economic impacts and technical feasibility;

(4) regulations to improve ship-board waste management, which may include expanding to smaller vessels existing requirements to maintain ship-board receptacles and maintain a ship-board waste management plan, taking into account potential economic impacts and technical feasibility;

(5) the development, through outreach to commercial vessel operators and recreational boaters, of a voluntary reporting program, along with the establishment of a central reporting location, for incidents of damage to vessels caused by marine debris, as well as observed violations of existing laws and regulations relating to disposal of plastics and other marine debris; and

(6) a voluntary program encouraging United States flag vessels to inform the Coast Guard of any ports in other countries that lack adequate port reception facilities for garbage.

(b) ON-SHORE OIL AND GAS SPILLS.—The Commandant of the Coast Guard shall expedite implementation of the Coast Guard's responsibilities with respect to on-shore oil and gas spills.

SEC. 5. INTERAGENCY COORDINATION.

(a) INTERAGENCY MARINE DEBRIS COMMITTEE ESTABLISHED.—There is established an Interagency Committee on Marine Debris to coordinate a comprehensive program of marine debris research and activities among Federal agencies, in cooperation and coordination with non-governmental organizations, industry, universities, and research institutions, State governments, Indian tribes, and other nations, as appropriate, and to foster cost-effective mechanisms to identify, determine sources of, assess, reduce, and prevent marine debris, and its adverse impact on the marine environment and navigational safety, including the joint funding of research and mitigation and prevention strategies.

(b) MEMBERSHIP.—The Committee shall include a senior official from—

(1) the National Oceanic and Atmospheric Administration, who shall serve as the chairperson of the Committee;

(2) the United States Coast Guard;

(3) the Environmental Protection Agency;

(4) the United States Navy;

(5) the Maritime Administration of the Department of Transportation;

(6) the National Aeronautics and Space Administration;

(7) the U.S. Fish and Wildlife Service;

(8) the Department of State;

(9) the Marine Mammal Commission; and

(10) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Administrator determines appropriate.

(c) MEETINGS.—The Committee shall meet at least twice a year to provide a public, interagency forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

(d) DEFINITION.—The Committee shall develop and promulgate through regulation a definition of the term ''marine debris''.

(e) REPORTING.—

(1) INTERAGENCY REPORT ON MARINE DEBRIS IMPACTS AND STRATEGIES.—Not later than 12 months after the date of the enactment of this Act, the Committee, through the chairperson, and in cooperation with the coastal States, Indian tribes, local governments, and non-governmental organizations, shall complete and submit to the Congress a report identifying the source of marine debris, examining the ecological and economic impact of marine debris, alternatives for reducing, mitigating, preventing, and controlling the harmful affects of marine debris, the social and economic costs and benefits of such alternatives, and recommendations regarding both domestic and international marine debris issues.

(2) CONTENTS.—The report submitted under paragraph (1) shall provide recommendations on—

(A) establishing priority areas for action to address leading problems relating to marine debris;

(B) developing an effective strategy and approaches to preventing, reducing, removing, and disposing of marine debris, including through private-public partnerships;

(C) providing appropriate infrastructure for effective implementation and enforcement of measures to prevent and remove marine debris, especially the discard and loss of fishing gear;

(D) establishing effective and coordinated education and outreach activities; and

(E) ensuring Federal cooperation with, and assistance to, the coastal States (as defined in section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4))), Indian tribes, and local governments in the identification, determination of sources, prevention, reduction, management, mitigation, and control of marine debris and its adverse impacts.

(3) ANNUAL PROGRESS REPORTS.—Not later than 2 years after the date of the enactment of this Act, and every year thereafter, the Committee, through the chairperson, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that evaluates United States and international progress in meeting the purposes of this Act. The report shall include—

(A) the status of implementation of the recommendations of the Committee and analysis of their effectiveness;

(B) a summary of the marine debris inventory to be maintained by the National Oceanic and Atmospheric Administration;

(C) a review of the National Oceanic and Atmospheric Administration program authorized by section 3 of this Act, including projects funded and accomplishments relating to reduction and prevention of marine debris;

(D) a review of United States Coast Guard programs and accomplishments relating to marine debris removal, including enforcement and compliance with MARPOL requirements; and

(E) estimated Federal and non-Federal funding provided for marine debris and recommendations for priority funding needs.

(f) MONITORING.—The Administrator, in cooperation with the Administrator of the Environmental Protection Agency, shall utilize the marine debris data derived under this Act and title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist—

(1) the Committee in ensuring coordination of research, monitoring, education, and regulatory actions; and

(2) the United States Coast Guard in assessing the effectiveness of this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) in ensuring compliance under section 2201 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1913).

(g) CONFORMING AMENDMENT.—Section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914) is repealed.

SEC. 6. INTERNATIONAL COOPERATION.

The Interagency Marine Debris Committee shall develop a strategy that may be pursued by the United States in the International Maritime Organization and other appropriate international and regional forums to reduce the incidence of marine debris, including—

(1) the inclusion of effective and enforceable marine debris prevention and removal measures in international and regional agreements, including fisheries agreements and maritime agreements;

(2) measures to strengthen and to improve compliance with MARPOL Annex V;

(3) national reporting and information requirements that will assist in improving information collection, identification and monitoring of marine debris;

(4) the establishment of an international database, consistent with the information clearinghouse established under section 7, that will provide current information on location, source, prevention, and removal of marine debris;

(5) the establishment of public-private partnerships and funding sources for pilot programs that will assist in implementation and compliance with marine debris requirements in international agreements and guidelines;

(6) the identification of possible amendments to and provisions in the International Maritime Organization Guidelines for the Implementation of Annex V of MARPOL for potential inclusion in Annex V; and

(7) when appropriate assist the responsible Federal agency in bilateral negotiations to effectively enforce marine debris prevention.

SEC. 7. FEDERAL INFORMATION CLEARINGHOUSE.

The Administrator, in coordination with the Committee, shall maintain a Federal information clearinghouse on marine debris that will be available to researchers and other interested parties to improve source identification, data sharing, and monitoring efforts through collaborative research and open sharing of data. The clearinghouse shall include—

(1) standardized protocols to map the general locations of commercial fishing and aquaculture activities using Geographic Information System techniques;

(2) a world-wide database which describes fishing gear and equipment, and fishing practices, including information on gear types and specifications;

(3) guidance on the identification of types of fishing gear fragments and their sources developed in consultation with persons of relevant expertise; and

(4) the data on mapping and identification of marine debris to be developed pursuant to section 3(b)(1) of this Act.

SEC. 8. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COMMITTEE.—The term ''Committee'' means the Interagency Marine Debris Committee established by section 5 of this Act.

(3) UNITED STATES EXCLUSIVE ECONOMIC ZONE.—The term ''United States exclusive economic zone'' means the zone established by Presidential Proclamation Numbered 5030, dated March 10, 1983, including the

ocean waters of the areas referred to as ''eastern special areas'' in article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990.

(4) MARPOL; ANNEX V; CONVENTION.—The terms ''MARPOL'', ''Annex 5'', and ''Convention'' have the meaning given those terms in paragraphs (3) and (4) of section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)).

(5) NAVIGABLE WATERS.—The term ''navigable waters'' has the meaning given that term by section 502(7) of the Federal Water Pollution Control Act (33 U.S.C. 1362(7)).

SEC. 9. APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.

Nothing in this Act supersedes, or limits the authority of the Secretary of the Interior under, the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.)

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year 2006 through 2010—

(1) to the Administrator for the purpose of carrying out sections 3 and 7 of this Act, $10,000,000, of which no more than 10 percent may be for administrative costs; and

(2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out sections 4 and 6 of this Act, $5,000,000, of which no more than 10 percent may be used for administrative costs.

SA 1100. Mr. MCCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill S. 39, to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration; as follows:

TITLE I—NATIONAL OCEAN EXPLORATION PROGRAM

SEC. 101. SHORT TITLE.

This title may be cited as the ''National Ocean Exploration Program Act''.

SEC. 102. ESTABLISHMENT.

The Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, shall, in consultation with the National Science Foundation and other appropriate Federal agencies, establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with existing programs of the agency, including those authorized in title II.

SEC. 103. AUTHORITIES.

In carrying out the program the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct interdisciplinary exploration voyages or other scientific activities in conjunction with other Federal agencies or academic or educational institutions, to survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on surveying deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop, in consultation with the National Science Foundation, a transparent process for reviewing and approving proposals for activities to be conducted under this program;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensors;

(6) accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans;

(7) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program; and

(8) avoid directing the programs towards activities relating to global temperature trends and instead focus on underwater regions of particular scientific interest.

SEC. 104. EXPLORATION TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

The National Oceanic and Atmospheric Administration, in coordination with the National Aeronautics and Space Administration, the U.S. Geological Survey, Office of Naval Research, and relevant governmental, non-governmental, academic, and other experts, shall convene an ocean technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration technology to the program;

(2) to improve availability of communications infrastructure, including satellite capabilities, to the program;

(3) to develop an integrated, workable and comprehensive data management information processing system that will make information on unique and significant features obtained by the program available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and non-governmental entities that will assist in transferring exploration technology and technical expertise to the program.

SEC. 105. INTERAGENCY FINANCING.

The National Oceanic and Atmospheric Administration, the National Science Foundation, and other Federal agencies involved in the program, are authorized to participate in interagency financing and share, transfer, receive and spend funds appropriated to any Federal participant in the program for the purposes of carrying out any administrative or programmatic project or activity under this section. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Federal participant and the costs of the same.

SEC. 106. APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.

Nothing in this title or title II supersedes, or limits the authority of the Secretary of the Interior under, the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out the program—

(1) $30,500,000 for fiscal year 2006;
(2) $33,550,000 for fiscal year 2007;
(3) $36,905,000 for fiscal year 2008;
(4) $40,596,000 for fiscal year 2009;
(5) $44,655,000 for fiscal year 2010;
(6) $49,121,000 for fiscal year 2011;
(7) $54,033,000 for fiscal year 2012;
(8) $59,436,000 for fiscal year 2013;
(9) $65,379,000 for fiscal year 2014; and
(10) $71,917,000 for fiscal year 2015.

TITLE II—UNDERSEA RESEARCH PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the ''NOAA Undersea Research Program Act of 2005''.

SEC. 202. ESTABLISHMENT.

The Administrator of the National Oceanic and Atmospheric Administration shall establish and maintain an undersea research program and shall designate a Director of that program.

SEC. 203. PURPOSE.

The purpose of the program is to increase scientific knowledge essential for the informed management, use and preservation of oceanic, coastal and large lake resources through undersea research, exploration, education and technology development. The program shall be part of National Oceanic and Atmospheric Administration's undersea research, education, and technology development efforts, and also make available the infrastructure and expertise to service the undersea science needs of the academic community.

SEC. 204. PROGRAM.

The program shall be conducted through a national headquarters, a network of regional undersea research centers, and a national technology institute. Overall direction of the program will be provided by the program director with advice from the Council of Center directors comprised of the directors of the regional centers and the national technology institute.

SEC. 205. REGIONAL CENTERS and TECHNOLOGY INSTITUTE.

The following research, exploration, education, and technology programs shall be conducted through the network of regional centers and the national technology institute:

(1) Core research and exploration based on national and regional undersea research priorities.

(2) Advanced undersea technology to support the National Oceanic and Atmospheric Administration's research mission and programs.

(3) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.

(4) Development of advanced undersea technology associated with seafloor observatories, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.

(5) Discovery, study, and development of natural products from ocean and aquatic systems.

SEC. 206. COMPETITIVENESS.

Except for a small discretionary fund for rapid response activities and for the National Oceanic and Atmospheric Administration-related service projects, for which no more than 10 percent of the program budget shall be set aside, the external projects supported by the regional centers shall be managed using an open and competitive process to evaluate scientific merit, relevance to the National Oceanic and Atmospheric Administration, regional and national research goals, and technical feasibility.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration—

(1) for fiscal year 2006—

(A) $12,500,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $5,000,000 for the National Technology Institute;

(2) for fiscal year 2007—

(A) $13,750,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $5,500,000 for the National Technology Institute;

(3) for fiscal year 2008—

(A) $15,125,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $6,050,000 for the National Technology Institute;

(4) for fiscal year 2009—

(A) $16,638,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $6,655,000 for the National Technology Institute;

(5) for fiscal year 2010—

(A) $18,301,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $7,321,000 for the National Technology Institute;

(6) for fiscal year 2011—

(A) $20,131,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $8,053,000 for the National Technology Institute;

(7) for fiscal year 2012—

(A) $22,145,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $8,859,000 for the National Technology Institute;

(8) for fiscal year 2013—

(A) $24,359,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $9,744,000 for the National Technology Institute;

(9) for fiscal year 2014—

(A) $26,795,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $10,718,000 for the National Technology Institute; and

(10) for fiscal year 2015—

(A) $29,474,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $11,790,000 for the National Technology Institute.

SA 1101. Mr. MCCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill S. 50, to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tsunami Preparedness Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Tsunami are a series of large waves of long wavelength created by the displacement of water by violent undersea disturbances such as earthquakes, volcanic eruptions, landslides, explosions, and the impact of cosmic bodies.

(2) Tsunami have caused, and can cause in the future, enormous loss of human life, injury, destruction of property, and economic and social disruption in coastal and island communities.

(3) While 85 percent of tsunami occur in the Pacific Ocean, and coastal and island communities in this region are the most vulnerable to the destructive results, tsunami can occur at any point in any ocean or related body of water where there are earthquakes, volcanoes, or any other activity that displaces a large volume of water.

(4) A number of States and territories are subject to the threat of tsunamis, including Alaska, California, Hawaii, Oregon, Washington, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands.

(5) The National Oceanic and Atmospheric Administration is responsible for maintaining a tsunami detection and warning system for the Nation, issuing warnings to United States communities at risk from tsunami, and preparing those communities to respond appropriately, through—

(A) the Pacific Tsunami Warning Center in Ewa Beach, Hawaii, which serves as a warning center for Hawaii, all other United States assets in the Pacific, and Puerto Rico;

(B) the Alaska/West Coast Tsunami Warning Center in Palmer, Alaska, which is responsible for issuing warnings for Alaska, British Columbia, California, Oregon, and Washington;

(C) the Federal-State national tsunami hazard mitigation program;

(D) a tsunami research and assessment program, including programs conducted by the Pacific Marine Environmental Laboratory;

(E) the TsunamiReady Program, which educates and prepares communities for survival before and during a tsunami;

(F) an archive of historical tsunami data, held at the National Oceanic and Atmospheric Administration's National Geophysical Data Center; and

(G) other related programs, including those operated in coordination with academic institutions.

(6) The National Oceanic and Atmospheric Administration also represents the United States as a member of the International Coordination Group for the Tsunami Warning System in the Pacific, administered by the Intergovernmental Oceanographic Commission of UNESCO, for which the Pacific Tsunami Warning Center acts as the operational center and shares seismic and water level information with 26 member states, and maintains UNESCO's International Tsunami Information Center, in Honolulu, Hawaii, which provides technical and educational assistance to member states.

(7) The Tsunami Warning Centers receive seismographic information from the Global Seismic Network, an international system of earthquake monitoring stations, from the United States Geological Survey National Earthquake Information Center, the Alaska Earthquake Information Center, and cooperative regional seismic networks, and use these data to issue tsunami warnings and integrate the information with data from their own tidal and deep ocean monitoring stations, to cancel or verify the existence of a damaging tsunami. Warnings are disseminated by the National Oceanic and Atmospheric Administration to State emergency operation centers.

(8) Current gaps in the International Tsunami Warning System, such as the lack of regional warning systems in the Indian Ocean, the southwest Pacific Ocean, Central and South America, the Mediterranean Sea, and Caribbean, pose risks for coastal and island communities.

(9) The tragic and extreme loss of life experienced by countries in the Indian Ocean following the magnitude 9.0 earthquake and resulting tsunami in that region on December 26, 2004, illustrates the destructive consequences which can occur in the absence of an effective tsunami warning and notification system.

(10) An effective tsunami warning and notification system is part of a multi-hazard disaster warning and preparedness program and requires real-time seismic, sea level, and oceanographic data, high-speed data analysis capabilities, a high-speed tsunami warning and notification system, a sustained program of education and risk assessment to develop response strategies, and an established local infrastructure for timely and effective dissemination of warnings to activate evacuation of tsunami hazard zones.

(11) The Tsunami Warning System for the Pacific is a model for other regions of the world to adopt, and can be expanded and modernized to increase detection, forecast, and warning capabilities for vulnerable states and territories, reduce the incidence of costly false alarms, improve reliability of measurement and assessment technology, and increase community preparedness.

(12) Tsunami warning and preparedness capability can be developed in other vulnerable areas of the world, such as the Indian Ocean, by identifying tsunami hazard zones, educating populations, developing alert and notification infrastructure, and by deploying near real-time tsunami detection sensors and gauges, establishing hazard notification and warning networks, expanding global monitoring of seismic activity, encouraging the increased exchange of seismic and tidal data between nations, and improving international coordination when a tsunami is detected.

(13) UNESCO has recognized the need to establish tsunami warning systems for regions beyond the Pacific Basin that are vulnerable to tsunami, including the Indian Ocean, and has convened a working group to lead an effort to expand the International Tsunami Warning System in the Pacific to such vulnerable regions.

(14) The international community and all vulnerable nations should take coordinated efforts to establish and participate in regional tsunami warning systems and other hazard warnings systems developed to meet the goals of the United Nations International Strategy for Disaster Reduction.

(15) On February 16, 2005, the United States, together with 53 other Nations participating in the Third Earth Observation Summit in Brussels, Belgium, adopted a 10-year implementation plan as the basis for establishing the Global Earth Observation System of Systems.

(16) The Global Earth Observation System of Systems will consist of existing and future earth observation systems, including the United States tsunami detection and warning system.

(b) PURPOSES.—The purposes of this Act are—

(1) to improve tsunami detection, forecast, warnings, notification, preparedness, and mitigation in order to protect life and property both in the United States and elsewhere in the world;

(2) to improve and modernize the existing Pacific Tsunami Warning System to increase coverage, reduce false alarms and increase accuracy of forecasts and warnings, and expand detection and warning systems to include other vulnerable States and United States territories, including the Caribbean/Atlantic/Gulf region;

(3) to increase and accelerate mapping, modeling, research, assessment, education, and outreach efforts in order to improve

forecasting, preparedness, mitigation, response, and recovery of tsunami and related coastal hazards;

(4) to provide technical and other assistance to speed international efforts to establish regional tsunami warning systems in vulnerable areas worldwide, including the Indian Ocean; and

(5) to improve Federal, State, and international coordination for tsunami and other coastal hazard warnings and preparedness.

SEC. 3. TSUNAMI DETECTION AND WARNING SYSTEM.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall operate regional tsunami detection and warning systems for the Pacific Ocean region and for the Atlantic Ocean, Caribbean, and Gulf of Mexico region that will provide maximum detection capability for United States coastal tsunami.

(b) SYSTEM REQUIREMENTS.—

(1) PACIFIC SYSTEM.—The Pacific tsunami warning system shall cover the entire Pacific Ocean area, including the Western Pacific, the Central Pacific, the North Pacific, the South Pacific, and the East Pacific and Arctic areas.

(2) ATLANTIC, CARIBBEAN, AND GULF OF MEXICO SYSTEM.—The Atlantic, Caribbean, and Gulf system shall cover areas of the Atlantic Ocean, Caribbean Sea, and the Gulf of Mexico that the Administrator determines—

(A) to be geologically active, or to have significant potential for geological activity; and

(B) to pose measurable risks of tsunamis for States along the coastal areas of the Atlantic Ocean or the Gulf of Mexico.

(3) COMPONENTS.—The systems shall—

(A) utilize an array of deep ocean detection buoys, including redundant and spare buoys;

(B) include an associated tide gauge and water level system designed for long-term continuous operation tsunami transmission capability;

(C) allow for such additional sensors as may be necessary for tsunami and weather warnings and forecasts;

(D) provide for the establishment of a cooperative effort between the National Oceanic and Atmospheric Administration and the United States Geological Survey under which the Geological Survey and State earthquake information centers provide rapid and reliable real-time seismic information to the Administration from international and domestic seismic networks;

(E) provide for information and data processing through the tsunami warning centers established under subsection (c);

(F) be integrated into United States and global ocean and earth observing systems, including the Global Earth Observation System of Systems;

(G) provide an infrastructure, building on local systems, for at-risk tsunami communities that supports rapid and reliable alert and notification to the public, such as the National Oceanic and Atmospheric Administration's Weather, Alert, and Readiness Network, which includes the weather radio and the All Hazard Alert Broadcasting Radio; and

(H) the integration of NOAA's Advanced Weather Interactive Processing System with other technologies.

(4) FEDERAL COOPERATION.—In deploying and maintaining detection buoys utilized in the tsunami warning system, the Administrator should leverage the assistance and assets of the United States Coast Guard, the Navy, and other Federal agency assets in the region. Within 180 days after the date of enactment of this Act, the Administrator shall provide a report to the Senate committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Committee on Resources that summarizes the extent to which the United States Coast Guard or any other Federal agency is assistance in deploying and maintaining such buoys.

(c) TSUNAMI WARNING CENTERS.—

(1) IN GENERAL.—The Administrator shall establish tsunami warning centers to provide a link between the detection and warning system and the tsunami hazard mitigation program established under section 4 including—

(A) a Pacific Tsunami Warning Center in Hawaii;

(B) a West Coast and Alaska Tsunami Warning Center in Alaska; and

(C) any additional warning centers determined by the Administrator to be necessary.

(2) RESPONSIBILITIES.—The responsibilities of each tsunami warning center shall include—

(A) continuously monitoring data from seismological stations, deep ocean detection buoys, and tidal monitoring stations and providing such data to the national tsunami archive;

(B) evaluating earthquakes that have the potential to generate tsunami;

(C) evaluating deep ocean buoy data and tidal monitoring stations for indications of tsunami resulting from sources other than earthquakes; and

(D) disseminating information and warning bulletins appropriate for local and distant tsunamis to government agencies and the public and alerting potentially impacted coastal areas for evacuation.

(d) DATA MANAGEMENT.—The Administrator shall maintain national and regionally-based data management systems to support and establish data management requirements for the tsunami detection and monitoring system, including requirements for—

(1) quality control and quality assurance;

(2) archiving and maintaining data;

(3) supporting integration of observations from the system with other national and international water level measurements, such as the Global Sea Level Monitoring System;

(4) integration of observations from the system with other elements of the global and coastal components of the integrated ocean and coastal observing system and the Global Earth Observation System of Systems; and

(5) the development of and access to data sets and integrated data products designed to support multi-hazard regional vulnerability assessment and adaptation programs such as the program established under section 8.

SEC. 4. TSUNAMI HAZARD MITIGATION PROGRAM.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall, in coordination with other agencies and academic institutions, develop and conduct a community-based tsunami hazard mitigation program to improve tsunami preparedness of at-risk areas.

(b) COORDINATING COMMITTEE.—In developing and conducting the program, the Administrator shall establish a coordinating committee comprising representatives of Federal agencies and other governmental entities involved in tsunami mitigation and response, including—

(1) the National Oceanic and Atmospheric Administration;

(2) the United States Geological Survey;

(3) the National Science Foundation;

(4) the National Institute of Standards and Technology; and

(5) affected coastal States and territories.

(c) PROGRAM COMPONENTS.—The program shall—

(1) improve the quality and extent of inundation mapping, including assessment of vulnerable inner coastal areas;

(2) promote and improve community outreach and education networks and programs to ensure community awareness and readiness, including the development of multi-hazard risk and vulnerability assessment training and decision support tools, implementation of technical training and public education programs, and provide for certification of prepared communities;

(3) integrate tsunami awareness, preparedness, and mitigation programs into ongoing hazard warning and risk management programs in affected areas including the National Response Plan and State coastal zone management plans;

(4) promote the adoption of tsunami warning and mitigation measures by Federal, State, tribal, and local governments and non-governmental entities through a grant program for training, development of guidelines, and other purposes;

(5) develop tsunami specific rescue and recovery guidelines for the National Response Plan, including long-term mitigation measures, educational programs regarding the consequences of development in high-risk areas, and use of remote sensing and other technology in rescue and recovery operations;

(6) require budget coordination, through the Administration, to carry out the purposes of this Act and to ensure that participating agencies provide necessary funds for matters within their respective areas of authority and expertise; and

(7) provide for periodic external review of the program and for inclusion of the results of such reviews in the report required by section 6(e).

SEC. 5. TSUNAMI RESEARCH PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall, in coordination with other agencies and academic institutions, establish a tsunami research program to develop detection, prediction, communication, and mitigation science and technology that supports tsunami forecasts and warnings, including advanced sensing techniques, information and communication technology, data collection, analysis and assessment for tsunami tracking and numerical forecast modeling that will—

(1) help determine—

(A) whether an earthquake or other seismic event will result in a tsunami; and

(B) the likely path, severity, duration, and travel time of a tsunami;

(2) develop techniques and technologies that may be used to communicate tsunami forecasts and warnings as quickly and effectively as possible to affected communities;

(3) develop techniques and technologies to support evacuation products, including real-time notice of the condition of critical infrastructure along tsunami evacuation routes for public officials and first responders; and

(4) develop techniques for utilizing remote sensing technologies in rescue and recovery operations.

(b) TECHNOLOGY.—The Administrator, in consultation with other appropriate Federal agencies, shall investigate the potential for improved technology for tsunami and other hazard warnings by incorporating into the existing system a full range of options for providing those warnings to the public.

SEC. 6. TSUNAMI SYSTEM UPGRADE AND MODERNIZATION.

(a) SYSTEM UPGRADES.—The Administrator of the National Oceanic and Atmospheric Administration shall—

(1) authorize and direct the immediate repair of existing deep ocean detection buoys and related components of the system;

(2) ensure the deployment of an array of deep ocean detection buoys capable of carrying multi-observation technology in the regions described in section 3(a) of this Act;

(3) ensure expansion or upgrade of the seismic monitoring and tide gauge networks in the regions described in section 3(a); and

(4) complete the upgrades not later than December 31, 2007.

(b) TRANSFER OF TECHNOLOGY; MAINTENANCE AND UPGRADES.—In carrying out this section, the Administrator shall—

(1) promulgate specifications and standards for forecast, detection, and warning systems, including detection equipment;

(2) develop and execute a plan for the transfer of technology from ongoing research to long-term operations;

(3) ensure that detection equipment is maintained in operational condition to fulfill the forecasting, detection and warning requirements of the regional tsunami detection and warning systems;

(4) obtain, to the greatest extent practicable, priority treatment in budgeting for, acquiring, transporting, and maintaining weather sensors, tide gauges, water level gauges, and tsunami buoys incorporated into the system including obtaining ship time; and

(5) ensure integration of the tsunami detection system with other United States and global ocean and coastal observation systems, the Global Earth Observation System of Systems, global seismic networks, and the Advanced National Seismic System.

(c) CERTIFICATION.—Amounts appropriated for any fiscal year pursuant to section 9 to carry out this section may not be obligated or expended for the acquisition of services for construction or deployment of tsunami detection equipment unless the Administrator certifies in writing to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Committee on Resources within 60 calendar days after the date on which the President submits the Budget of the United States for that fiscal year to the Congress that—

(1) each contractor for such services has met the requirements of the contract for such construction or deployment;

(2) the equipment to be constructed or deployed is capable of becoming fully operational without the obligation or expenditure of additional appropriated funds; and

(3) the Administrator does not reasonably foresee unanticipated delays in the deployment and operational schedule specified in the contract.

(d) CONGRESSIONAL NOTIFICATIONS.—The Administrator shall notify the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Committee on Resources of—

(1) impaired regional detection coverage due to equipment or system failures; and

(2) significant contractor failures or delays in completing work associated with the tsunami detection and warning system.

(e) ANNUAL REPORT.—The Administrator shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science the status of the tsunami detection and warning system, including accuracy, false alarms, equipment failures, improvements over the previous year, and goals for further improvement (or plans for curing failures) of the system, as well as progress and accomplishments of the national tsunami hazard mitigation program.

(f) EXTERNAL REVIEW.—The National Academy of Science shall review the tsunami detection, forecast, and warning system operated by the National Oceanic and Atmospheric Administration under this Act to assess further modernization and coverage needs, as well as long-term operational reliability issues, taking into account measures implemented under this Act, and transmit a report containing its recommendations, including an estimate of the costs of implementing those recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 24 months after the date of enactment of this Act.

SEC. 7. GLOBAL TSUNAMI WARNING AND MITIGATION NETWORK.

(a) INTERNATIONAL TSUNAMI WARNING SYSTEM.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with other members of the United States Interagency Committee of the National Tsunami Mitigation Program, shall provide technical assistance and advice to the Intergovernmental Oceanographic Commission of UNESCO, the World Meteorological Organization, the Group on Earth Observations, and other international entities, as part of international efforts to develop a fully functional global tsunami warning system comprised of regional tsunami warning networks, modeled on the International Tsunami Warning System of the Pacific, and consistent with the 10-year implementation plan for the Global Earth Observation System of Systems.

(b) INTERNATIONAL TSUNAMI INFORMATION CENTER.—The Administrator shall operate an International Tsunami Information Center to improve tsunami preparedness for all Pacific Ocean nations participating in the International Tsunami Warning System of the Pacific, and which may also provide such assistance to other nations participating in a global tsunami warning system established through the International Oceanographic Committee of UNESCO. As part of its responsibilities in the Pacific, the Center shall—

(1) monitor international tsunami warning activities in the Pacific;

(2) assist member states in establishing national warning systems, and make information available on current technologies for tsunami warning systems;

(3) maintain a library of materials to promulgate knowledge about tsunamis in general and for use by the scientific community; and

(4) disseminate information, including educational materials and research reports.

(c) TECHNICAL ASSISTANCE.—In carrying out this section, the Administrator—

(1) shall give priority to assisting nations in identifying vulnerable coastal areas, creating inundation maps, obtaining or designing real-time detection and reporting equipment, and establishing communication and warning networks and contact points in each vulnerable nation;

(2) may establish a process for transfer of detection and communication technology to affected nations for the purposes of establishing the international tsunami warning system; and

(3) shall provide technical and other assistance to support international tsunami education, response, vulnerability, and adaptation programs.

(d) DATA-SHARING REQUIREMENT.—The Administrator may not provide assistance under this section for any region unless all affected nations in that region participating in the tsunami warning network agree to share relevant data associated with the development and operation of the network.

(e) FUNDING ASSISTANCE.—The Administrator, in coordination with the Secretary of State, shall seek funding assistance from participating nations needed to ensure establishment of a fully functional global tsunami warning system.

(f) RECEIPT OF INTERNATIONAL REIMBURSEMENT AUTHORIZED.—The Administrator may accept payment to, or reimbursement of, the National Oceanic and Atmospheric Administration in cash or in kind from international organizations and foreign authorities, or payment or reimbursement made on behalf of such an authority, for expenses incurred by the Administrator in carrying out any activity under this Act. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Administration.

SEC. 8. COASTAL COMMUNITY VULNERABILITY AND ADAPTATION PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall establish an integrated coastal vulnerability and adaptation program focused on improving the resilience of coastal communities to natural hazards and disasters. The program shall be regional in nature, build upon and integrate existing Federal and State programs, and provide usable products that will improve preparedness of communities, businesses, and government entities. The program may include the following activities:

(1) Development of multi-hazard vulnerability maps to characterize and assess risks of coastal communities to a range of natural hazards and provide a baseline for assessing future risks.

(2) Multi-disciplinary vulnerability assessment research and education that will help integrate risk management with community development planning and policies.

(3) Risk management and leadership training for the public, local officials, and institutions that will enhance understanding and preparedness.

(4) Risk assessment technology development, including research and development of emerging technologies and practical application of existing or emerging technologies, such as modeling, remote sensing, geospatial technology, engineering, and observing systems.

(5) Risk management data and information services, including access to data and products derived from observing and detection systems, as well as development and maintenance of new integrated data products that would support risk assessment and risk management programs.

(6) Risk notification systems that coordinate with and build upon existing systems and actively engage policy officials, government agencies, businesses, communities, non-governmental organizations, and the media.

(b) REGIONAL PILOT PROJECTS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator shall, in consultation with the appropriate Federal, State, tribal, and local governmental entities, establish 3 pilot projects to conduct regional assessments of the vulnerability of coastal areas of the United States to hazards associated with tsunami and other natural hazards or coastal disasters. Priority shall be given to collaborative partnership proposals from regionally-based multi-organizational coalitions. In preparing the regional assessments, the Administrator shall collect and compile current information on tsunami and other natural hazards or coastal disasters.

(2) SCOPE.—Regional assessments under the pilot program shall include an evaluation of—

(A) the social impacts associated with threats to and potential losses of housing, communities, and infrastructure;

(B) the physical impacts such as coastal erosion, flooding and loss of estuarine habitat, saltwater intrusion of aquifers and saltwater encroachment, and species migration;

(C) the economic impact on local, State, tribal, and regional economies, including the impact on coastal infrastructure and the abundance or distribution of economically important living marine resources; and

(D) opportunities to enhance the resilience of at-risk communities, economic sectors, and natural resources.

(c) SELECTION CRITERIA.—The Administrator shall rely on the following criteria in identifying appropriate regional pilot projects:

(1) Vulnerability to tsunami and other natural hazards or coastal disasters.

(2) Dependence on economic sectors and natural resources that are particularly sensitive to coastal hazards.

(3) Opportunities to link and leverage related regional risk observation, research, forecasting, assessment, educational and risk management programs.

(4) Demonstration of strong, interagency collaboration in the area of risk management for tsunami and other natural hazards or coastal disasters.

(5) Access to NOAA and other Federal agency programs, facilities, and infrastructure related to tsunami and other coastal hazards monitoring, warning, forecasting, research assessment, and data management.

(d) REGIONAL ADAPTATION PLANS.—The Administrator shall, within 3 years after the commencement of each project under subsection (b), submit to the Congress regional adaptation plans—

(1) based on the information contained in the regional assessments conducted under subsection (b);

(2) developed with the participation of other Federal agencies, State, tribal, and local government agencies, and non-governmental entities (including academia and the private sector) that will be critical in the implementation of the plan at the State, tribal, and local levels;

(3) that recommend targets and strategies to address impacts associated with tsunami and other natural hazards or coastal disasters;

(4) that include recommendations for both short- and long-term adaptation strategies; and

(5) that include recommendations on—

(A) Federal flood insurance program modifications;

(B) areas that have been identified as high risk through mapping and assessment;

(C) enhancing the effectiveness of State coastal zone management programs in mitigating or preventing coastal risks;

(D) mitigation incentives such as rolling easements, strategic retreat, State or Federal acquisition in fee simple or other interest in land, construction standards, and zoning;

(E) land and property owner education;

(F) economic planning for small communities dependent upon affected coastal resources, including fisheries; and

(G) funding requirements and mechanisms.

(e) TECHNICAL PLANNING AND FINANCIAL ASSISTANCE.—The Administrator, through the National Ocean Service, shall establish a coordinated program—

(1) to provide technical planning assistance and financial assistance to coastal States, tribes, and local governments as they develop and implement adaptation or mitigation strategies and plans under this section; and

(2) to make products, information, tools, and technical expertise generated from the development of the regional assessment and the regional adaptation plan available to coastal States for the purposes of developing their own State, tribal, and local plans.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration—

(1) $35,000,000 for each of fiscal years 2006 through 2012 to carry out this Act (other than section 8); and

(2) $5,000,000 for each of such fiscal years to carry out section 8, of which at least $3,000,000 for each fiscal year shall be used to carry out the pilot projects authorized by section 8(b).

SA 1102. Mr. MCCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill S. 361, to develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans and Great Lakes, improve warnings of tsunamis and other natural hazards, enhance homeland security, support maritime operations, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ocean and Coastal Observation System Act of 2005''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Ocean and coastal observations provide vital information for protecting human lives and property from marine hazards, predicting weather, improving ocean health and providing for the protection and enjoyment of the resources of the Nation's coasts, oceans, and Great Lakes.

(2) The continuing and potentially devastating threat posed by tsunamis, hurricanes, storm surges, and other marine hazards requires immediate implementation of strengthened observation and data management systems to provide timely detection, assessment, and warnings to the millions of people living in coastal regions of the United States and throughout the world.

(3) The 95,000-mile coastline of the United States, including the Great Lakes, is vital to the Nation's prosperity, contributing over $117 billion to the national economy in 2000, supporting jobs for more than 200 million Americans, and supporting commercial and sport fisheries valued at more than $50 billion annually.

(4) Responding to coastal hazards and managing fisheries and other coastal activities require improved monitoring of the Nation's waters and coastline, including the ability to provide rapid response teams with real-time environmental conditions necessary for their work.

(5) While knowledge of the ocean and coastal environment and processes is far from complete, advances in sensing technologies and scientific understanding have made possible long-term and continuous observation from shore, from space, and in situ of ocean and coastal characteristics and conditions.

(6) Many elements of an ocean and coastal observing system are in place, but require national investment, consolidation, completion, and integration at Federal, regional, State, and local levels.

(7) The Commission on Ocean Policy recommends a national commitment to a sustained and integrated ocean and coastal observing system and to coordinated research programs in order to assist the Nation and the world in understanding the oceans, improving weather forecasts, strengthening management of ocean and coastal resources, and mitigating marine hazards.

(8) In 2003, the United States led more than 50 nations in affirming the vital importance of timely, quality, long-term global observations as a basis for sound decision-making, recognizing the contribution of observation systems to meet national, regional, and global needs, and calling for strengthened cooperation and coordination in establishing a Global Earth Observation System of Systems, of which an integrated ocean and coastal observing system is an essential part.

(b) PURPOSES.—The purposes of this Act are to provide for—

(1) the planning, development, and maintenance of an integrated ocean and coastal observing system that provides the data and information to sustain and restore healthy marine and Great Lakes ecosystems and the resources they support, enable advances in scientific understanding of the oceans and the Great Lakes, and strengthen science education and communication;

(2) implementation of research, development, education, and outreach programs to improve understanding of the oceans and Great Lakes and achieve the full national benefits of an integrated ocean and coastal observing system;

(3) implementation of a data and information management system required by all components of an integrated ocean and coastal observing system and related research to develop early warning systems and insure usefulness of data and information for users; and

(4) establishment of a system of regional ocean, coastal, and Great Lakes observing systems to address local needs for ocean information.

SEC. 3. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term ''Council'' means the National Ocean Research Leadership Council.

(2) OBSERVING SYSTEM.—The term ''observing system'' means the integrated coastal, ocean and Great Lakes observing system to be established by the Committee under section 4(a).

(3) INTERAGENCY PROGRAM OFFICE.—The term ''interagency program office'' means the office established under section 4(d).

SEC. 4. INTEGRATED OCEAN AND COASTAL OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, acting through the Council, shall establish and maintain an integrated system of ocean and coastal observations, data communication and management, analysis, modeling, research, education, and outreach designed to provide data and information for the timely detection and prediction of changes occurring in the ocean, coastal and Great Lakes environment that impact the Nation's social, economic, and ecological systems. The observing system shall provide for long-term, continuous and quality-controlled observations of the coasts, oceans, and Great Lakes for the following purposes:

(1) Improving the health of the Nation's coasts, oceans, and Great Lakes.

(2) Protecting human lives and livelihoods from hazards such as tsunamis, hurricanes, coastal erosion, and fluctuating Great Lakes water levels.

(3) Understanding the effects of human activities and natural variability on the state of the coasts, oceans, and Great Lakes and the Nation's socioeconomic well-being.

(4) Providing for the sustainable use, protection, and enjoyment of ocean, coastal, and Great Lakes resources.

(5) Providing information that can support the eventual implementation and refinement of ecosystem-based management.

(6) Supplying critical information to marine-related businesses such as aquaculture and fisheries.

(7) Supporting research and development to ensure continuous improvement to ocean, coastal, and Great Lakes observation measurements and to enhance understanding of the Nation's ocean, coastal, and Great Lakes resources.

(b) SYSTEM ELEMENTS.—In order to fulfill the purposes of this Act, the observing system shall consist of the following program elements:

(1) A national program to fulfill national observation priorities, including the Nation's ocean contribution to the Global Earth Observation System of Systems and the Global Ocean Observing System.

(2) A network of regional associations to manage the regional ocean and coastal observing and information programs that collect, measure, and disseminate data and information products to meet regional needs.

(3) A data management and dissemination system for the timely integration and dissemination of data and information products from the national and regional systems.

(4) A research and development program conducted under the guidance of the Council.

(5) An outreach, education, and training program that augments existing programs, such as the National Sea Grant College Program, the Centers for Ocean Sciences Education Excellence program, and the National Estuarine Research Reserve System, to ensure the use of the data and information for improving public education and awareness of the Nation's oceans and building the technical expertise required to operate and improve the observing system.

(c) COUNCIL FUNCTIONS.—In carrying out responsibilities under this section, the Council shall—

(1) serve as the oversight body for the design and implementation of all aspects of the observing system;

(2) adopt plans, budgets, and standards that are developed and maintained by the interagency program office in consultation with the regional associations;

(3) coordinate the observing system with other earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems;

(4) coordinate and administer programs of research, development, education, and outreach to support improvements to and the operation of an integrated ocean and coastal observing system and to advance the understanding of the oceans;

(5) establish pilot projects to develop technology and methods for advancing the development of the observing system;

(6) provide, as appropriate, support for and representation on United States delegations to international meetings on ocean and coastal observing programs; and

(7) in consultation with the Secretary of State, coordinate relevant Federal activities with those of other nations.

(d) INTERAGENCY PROGRAM OFFICE.—The Council shall establish an interagency program office to be known as ''OceanUS''. The interagency program office shall be responsible for program planning and coordination of the observing system. The interagency program office shall—

(1) prepare annual and long-term plans for consideration by the Council for the design and implementation of the observing system that promote collaboration among Federal agencies and regional associations in developing the global and national observing systems, including identification and refinement of a core set of variables to be measured by all systems;

(2) coordinate the development of agency priorities and budgets for implementation of the observing system, including budgets for the regional associations;

(3) establish and refine standards and protocols for data management and communications, including quality standards, in consultation with participating Federal agencies and regional associations;

(4) develop a process for the certification of the regional associations and their periodic review and recertification;

(5) establish an external technical committee to provide biennial review of the observing system; and

(6) provide for opportunities to partner or contract with private sector companies in deploying ocean observation system elements.

(e) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall be the lead Federal agency for implementation and operation of the observing system. Based on the plans prepared by the interagency program office and adopted by the Council, the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) coordinate implementation, operation and improvement of the observing system;

(2) establish efficient and effective administrative procedures for allocation of funds among Federal agencies and regional associations in a timely manner and according to the budget adopted by the Council;

(3) implement and maintain appropriate elements of the observing system;

(4) provide for the migration of scientific and technological advances from research and development to operational deployment;

(5) integrate and extend existing programs and pilot projects into the operational observation system;

(6) certify regional associations that meet the requirements of subsection (f); and

(7) integrate the capabilities of the National Coastal Data Development Center and the Coastal Services Center of the National Oceanic and Atmospheric Administration, and other appropriate centers, into the observing system for the purpose of assimilating, managing, disseminating, and archiving data from regional observation systems and other observation systems.

(f) REGIONAL ASSOCIATIONS OF OCEAN AND COASTAL OBSERVING SYSTEMS.—The Administrator of the National Oceanic and Atmospheric Administration may certify one or more regional associations to be responsible for the development and operation of regional ocean and coastal observing systems to meet the information needs of user groups in the region while adhering to national standards. To be certifiable by the Administrator, a regional association shall—

(1) demonstrate an organizational structure capable of supporting and integrating all aspects of ocean and coastal observing and information programs within a region;

(2) operate under a strategic operations and business plan that details the operation and support of regional ocean and coastal observing systems pursuant to the standards established by the Council;

(3) provide information products for multiple users in the region;

(4) work with governmental entities and programs at all levels within the region to provide timely warnings and outreach to protect the public; and

(5) meet certification standards developed by the interagency program office in conjunction with the regional associations and approved by the Council.

Nothing in this Act authorizes a regional association to engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(7)).

(g) CIVIL LIABILITY.—For purposes of section 1346(b)(1) and chapter 171 of title 28, United States Code, the Suits in Admiralty Act (46 U.S.C. App. 741 et seq.), and the Public Vessels Act (46 U.S.C. App. 781 et seq.), any regional ocean and coastal observing system that is a designated part of a regional association certified under this section shall, in carrying out the purposes of this Act, be deemed to be part of the National Oceanic and Atmospheric Administration, and any employee of such system, while acting within the scope of his or her employment in carrying out such purposes, shall be deemed to be an employee of the Government.

SEC. 5. RESEARCH, DEVELOPMENT, AND EDUCATION.

The Council shall establish programs for research, development, education, and outreach for the ocean and coastal observing system, including projects under the National Oceanographic Partnership Program, consisting of the following:

(1) Basic research to advance knowledge of ocean and coastal systems and ensure continued improvement of operational products, including related infrastructure and observing technology.

(2) Focused research projects to improve understanding of the relationship between the coasts and oceans and human activities.

(3) Large scale computing resources and research to advance modeling of ocean and coastal processes.

(4) A coordinated effort to build public education and awareness of the ocean and coastal environment and functions that integrates ongoing activities such as the National Sea Grant College Program, the Centers for Ocean Sciences Education Excellence, and the National Estuarine Research Reserve System.

SEC. 6. INTERAGENCY FINANCING.

The departments and agencies represented on the Council are authorized to participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member of the Council for the purposes of carrying out any administrative or programmatic project or activity under this Act or under the National Oceanographic Partnership Program, including support for the interagency program office, a common infrastructure, and system integration for a ocean and coastal observing system. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Council member and the costs of the same.

SEC. 7. APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.

Nothing in this Act supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration for the implementation of an integrated ocean and coastal observing system under section 4, and the research and development program under section 5, including financial assistance to the interagency program office, the regional associations for the implementation of regional ocean and coastal observing systems, and the departments and agencies represented on the Council, $150,000,000 for each of fiscal years 2006 through 2010. At least 50 percent of the sums appropriated for the implementation of the integrated ocean and coastal observing system under section 4 shall be allocated to the regional associations certified under section 4(f) for implementation of regional ocean and coastal observing systems. Sums appropriated pursuant to this section shall remain available until expended.

SEC. 9. REPORTING REQUIREMENT.

Not later than March 31, 2010, the President, acting through the Council, shall transmit to Congress a report on the programs established under sections 4 and 5. The report shall include a description of activities carried out under the programs, an evaluation of the effectiveness of the programs, and recommendations concerning reauthorization of the programs and funding levels for the programs in succeeding fiscal years.

SA 1103. Mr. MCCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE) proposed an amendment to the bill S. 361, to develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans and Great Lakes, improve warnings of tsunamis and other natural hazards, enhance homeland security, support maritime operations, and for other purposes; as follows:

Amend the title so as to read ''A bill to develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans and Great Lakes, improve warnings of tsunamis and other natural hazards, and for other purposes.''.

SA 1104. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, line 12, after ''presence:'', insert the following: ''*Provided further*, That of the amount made available under this heading, an amount shall be available for the Transportation Security Administration to develop a plan to research, test, and implement multi compartment bins to screen passenger belongings at security checkpoints: ''

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, July 12 at 10 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of: Jill L. Sigal, of Wyoming, to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs, David R. Hill, of Missouri, to be General Counsel of the Department of Energy, and James A. Rispoli, of Virginia, to be Assistant Secretary of Energy for Environmental Management.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, July 14 at 10 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of: R. Thomas Weimer, of Colorado, to be an Assistant Secretary of the Interior, and Mark A. Limbaugh, of Idaho to be an Assistant Secretary of the Interior.

MEASURE READ THE FIRST TIME—H.R. 748

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 748) to amend Title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes.

Mr. MCCONNELL. Mr. President, I ask for a second reading and, in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will proceed to a second reading on the next legislative day.

UNANIMOUS CONSENT AGREEMENT—H.R. 2360

Mr. MCCONNELL. Mr. President, I ask unanimous consent that on Monday, July 11, the Senate proceed to the consideration of calendar No. 129, H.R. 2360, the Homeland Security Appropriations bill. I further ask that the committee-reported amendment be agreed to and considered as original text for the purpose of further amendment, and that all first-degree amendments be filed at the desk by 4 p.m. on Monday, July 11, with the exception of amendments to be proposed by the leaders. I further ask that first-degree amendments be subject to relevant second degrees and no points of order be waived by this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session; provided further, that the Agriculture Committee be discharged from further consideration of the following nomination: Richard Raymond; provided further that the Senate proceed to its consideration and the following nominations on the calendar en bloc: 192 and 193. I further ask that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President being immediately notified of the Senate's action, a colloquy be printed in the RECORD, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF AGRICULTURE

Richard A. Raymond, of Nebraska, to be Under Secretary of Agriculture for Food Safety.

DEPARTMENT OF JUSTICE

James B. Letten, of Louisiana, to be United States Attorney for the Eastern District of Louisiana for the term of four years.

Rod J. Rosenstein, of Maryland, to be United States Attorney for the District of Maryland for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

APPOINTMENT OF CONFEREES—H.R. 6

Mr. MCCONNELL. Mr. President, I ask unanimous consent that with respect to H.R. 6, the Energy bill, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate with an 8-to-6 ratio.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair appointed from the Committee on Energy and Natural Resources, Mr. DOMENICI, Mr. CRAIG, Mr. THOMAS, Mr. ALEXANDER, Ms. MURKOWSKI, Mr. BURR, Mr. BINGAMAN, Mr. AKAKA, Mr. DORGAN, Mr. WYDEN, Mr. JOHNSON; and from the Committee on Finance, Mr. GRASSLEY, Mr. HATCH, and Mr. BAUCUS conferees on the part of the Senate.

UNANIMOUS CONSENT AGREEMENT—S. RES. 186, S. RES. 187, S. RES. 188, S. RES. 189, AND S. RES. 190

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the consideration of the following resolutions: S. Res. 186, S. Res. 187, S. Res. 188, S. Res. 189, and S. Res. 190.

The PRESIDING OFFICER. Without objection, the Senate will proceed en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFFIRMING THE IMPORTANCE OF A NATIONAL WEEKEND OF PRAYER

The resolution (S. Res. 186) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 186

Affirming the importance of a national weekend of prayer for the victims of genocide and crimes against humanity in Darfur,

Sudan, and expressing the sense of the Senate that July 15 through 17, 2005, should be designated as a national weekend of prayer and reflection for the people of Darfur.

Whereas, on July 22, 2004, Congress declared that genocide was taking place in Darfur, Sudan;

Whereas, on September 9, 2004, Secretary of State Colin L. Powell testified to the Senate Committee on Foreign Relations that 'genocide has been committed in Darfur';

Whereas, on September 21, 2004, President George W. Bush stated to the United Nations General Assembly that 'the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide';

Whereas Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris December 9, 1948, and entered into force January 12, 1951, states that '[t]he Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish';

Whereas fundamental human rights, including the right to freedom of thought, conscience, and religion, are protected in numerous international agreements and declarations;

Whereas the United Nations Security Council, in Security Council Resolution 1591, condemned the 'continued violations of the N'djamena Ceasefire Agreement of 8 April 2004 and the Abuja Protocols of 9 November 2004 by all sides in Darfur and the deterioration of the security situation and negative impact this has had on humanitarian assistance efforts';

Whereas President Bush declared on June 30, 2005, ''Yet the violence in Darfur region is clearly genocide. The human cost is beyond calculation.''

Whereas it is estimated that more than 2,000,000 people have been displaced from their homes and remain in camps in Darfur, Chad, and elsewhere;

Whereas while United States government assistance and African Union monitoring has mitigated violence in some regions of Darfur, religious leaders, genocide survivors, and world leaders have expressed grave concern, over the atrocities still occurring there and for the thousands that may still be dying; and

Whereas it is appropriate that the people of the United States, leaders and citizens alike, unite in prayer for the people of Darfur and reflect upon the situation in Darfur: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that the weekend of July 15 through 17, 2005, should be designated as a National Weekend of Prayer and Reflection for the people of Darfur, Sudan;

(2) to encourage the people of the United States to observe that weekend by praying for an end to the genocide and crimes against humanity and for lasting peace in Darfur, Sudan; and

(3) to urge all churches, synagogues, mosques, and religious institutions in the United States to consider the people of Darfur in their activities and to observe the National Weekend of Prayer and Reflection with appropriate activities and services.

AUTHORIZING THE TAKING OF VIDEO IMAGES IN THE SENATE CHAMBER

The resolution (S. Res. 187) was agreed to, as follows:

S. RES. 187

Resolved,

SECTION 1. AUTHORIZATION OF TAKING OF VIDEO IMAGES IN SENATE CHAMBER.

(a) AUTHORIZATION.—Subject to subsection (b), paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) is temporarily suspended for the purpose of permitting the C–SPAN television network to take, during a period the Senate is in recess, video images of the Senate Chamber.

(b) LIMITATION ON USE OF IMAGES.—The C–SPAN television network may use video images taken under subsection (a) solely for inclusion in a documentary on the history of the United States Capitol which the network is preparing.

(c) ARRANGEMENTS.—The Sergeant at Arms and Doorkeeper of the Senate shall make the necessary arrangements to carry out this resolution, including such arrangements as are necessary to ensure that the taking of video images under this resolution does not disrupt any proceeding of the Senate.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

The resolution (S. Res. 188) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 188

Whereas, the United States Congress has been named as a defendant in the case of *LaFreniere* v. *Congress of the United States*, Civ. No. 05–1368, pending in the United States District Court for the Northern District of California;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend in civil actions the Senate when there is placed in issue the validity of any action taken by the Senate in its official capacity;

Whereas, pursuant to section 708(c) of the Ethics in Government Act of 1978, 2 U.S.C. §288g(c), the Senate may direct its counsel to perform other duties: Now, therefore, be it

Resolved, That the Senate Legal Counsel, in conjunction with counsel for the House of Representatives, is authorized to represent the United States Congress in the case of LaFreniere v. Congress of the United States.

Mr. FRIST. Mr. President, this resolution concerns a pro se civil action filed against the Congress. The plaintiff contends that article III, §2, cl. 1, of the Constitution, which extends the judicial power to all cases arising under the Constitution, ''preempts'' the later ratified 11th amendment to the Constitution, which affords the States an immunity from certain suits. Plaintiff seeks a judicial order directing the Congress to rescind the 11th amendment and $30 million in damages.

This suit is subject to dismissal on numerous threshold grounds, including lack of constitutional standing, sovereign and legislative immunity, and the political question doctrine, as well as on the merits. This resolution authorizes the Senate Legal Counsel, in conjunction with counsel for the House of Representatives, to represent the Congress in this suit and to move for its dismissal.

CONGRATULATING MICHAEL CAMPBELL ON HIS VICTORY IN THE U.S. OPEN

The resolution (S. Res. 189) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 189

Whereas on June 19, 2005, Michael Campbell, a citizen of New Zealand, won the United States Golf Association's Open Championship (''U.S. Open'');

Whereas the U.S. Open was held at Pinehurst No. 2, one of the most storied and difficult courses in professional golf;

Whereas Michael Campbell's even par 280 was 2 strokes better than any other golfer in the field;

Whereas Michael Campbell showed great perseverance and resolve by becoming the first golfer to come from behind to win the U.S. Open in 7 years;

Whereas Michael Campbell became the first New Zealander to win one of golf's 4 major tournaments since Bob Charles won the British Open in 1963;

Whereas New Zealand has long been a prominent fixture on the stage of international sports, winning 2 of the last 3 America's Cup yacht races and 3 gold medals and 2 silver medals at the 2004 Summer Olympic Games in Athens, Greece;

Whereas the competitive spirit and success of these athletes is reflective of the bravery and skill of New Zealand's seagoing indigenous explorers, the Maori, of whom Michael Campbell is a descendent;

Whereas Michael Campbell's Maori-Scottish heritage is representative of the great cooperation between, and harmonious blending of, Polynesian and European cultures;

Whereas New Zealand was a staunch ally in every major conflict of the 20th Century and its people made heroic efforts and enormous sacrifices to help protect freedom and democracy throughout the world;

Whereas New Zealand has contributed regularly to international peacekeeping operations, remains steadfast in their alliance in the fight against terrorism and extremism, and continues to assist in the reconstruction of Iraq and Afghanistan; and

Whereas New Zealand remains a close ally: Now, therefore, be it

Resolved, That the Senate—

(1) commends Michael Campbell for his outstanding achievement in winning the U.S. Open;

(2) celebrates Michael Campbell's victory as a proud moment for New Zealand;

(3) recognizes Michael Campbell's victory as an opportunity to—

(A) highlight the strong relationship and rich history between the United States and New Zealand; and

(B) foster greater collaboration and friendship between these 2 great nations; and

(4) expresses arohanui to the peoples of Aotearoa, our friends in the Land of the Long White Cloud.

100TH ANNIVERSARY OF MESA VERDE NATIONAL PARK

The resolution (S. Res. 190) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 190

Whereas Mesa Verde National Park was created 100 years ago by an Act of Congress and signed into law by President Theodore

Roosevelt on June 29, 1906, as the first National Park set aside to preserve the works of humankind;

Whereas the more than 5,000 archeological sites, including over 600 cliff dwellings, protected within the 52,000-acre boundary of Mesa Verde National Park represent some of the most spectacular and best-preserved prehistoric architecture in the world;

Whereas in 1928, Congress declared the natural resources of Mesa Verde National Park to be of such caliber as to be worthy of the same level of protection as the cultural resources therein;

Whereas 8,500 acres within Mesa Verde National Park were designated as wilderness by Congress on October 20, 1976;

Whereas on September 8, 1978, the United Nations Educational, Scientific, and Cultural Organization (''UNESCO'') declared Mesa Verde National Park to be 1 of 8 original World Cultural Heritage Sites;

Whereas Mesa Verde National Park is part of our American heritage that is universally recognized and shared with the world;

Whereas Mesa Verde National Park is the primary driving force behind the economy of southwestern Colorado and the Four Corners Region;

Whereas the communities of Cortez, Dolores, Mancos, and Durango, Colorado, have come together to plan a year-long celebration worthy of this magnificent icon of the National Park System; and

Whereas 24 American Indian tribes recognize Mesa Verde as their ancestral home and contribute a rich cultural heritage to the experience of visitors to the region: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 100th anniversary of Mesa Verde National Park; and

(2) urges all citizens of the United States to join in the Centennial Celebration of Mesa Verde National Park by participating in the many activities planned throughout the year in 2006.

UNITED STATES PAROLE COMMISSION EXTENSION AND SENTENCING COMMISSION AUTHORITY ACT OF 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1368, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1368) to extend the existence of the Parole Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1368) was read the third time and passed, as follows:

S. 1368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Parole Commission Extension and Sentencing Commission Authority Act of 2005''.

SEC. 2. EXTENSION OF EXISTENCE OF THE PAROLE COMMISSION.

For purposes of section 235(b) of the Sentencing Reform Act of 1984 (98 Stat. 2032) as such section relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to ''eighteen years'' or ''eighteen-year period'' shall be deemed a reference to ''21 years'' or ''21-year period'', respectively.

SEC. 3. PROVISION OF EMERGENCY AMENDMENT AUTHORITY FOR SENTENCING COMMISSION.

In accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 10009182), as though the authority under that Act had not expired, the United States Sentencing Commission shall—

(1) not later than 60 days after the date of the enactment of this Act, amend the Federal sentencing guidelines, commentary, and policy statements to implement section 6703 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 10809458); and

(2) not later than 180 days after the date of the enactment of this Act, amend the Federal sentencing guidelines, commentary, and policy statements to implement section 3 of the Anabolic Steroid Control Act of 2004 (Public Law 10809358).

ALICE R. BRUNSICH POST OFFICE BUILDING

DOROTHY AND CONNIE HIBBS POST OFFICE BUILDING

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration and that the Senate proceed to immediate consideration of the following postal naming bills, en bloc: S. 1275 and S. 1323.

The PRESIDING OFFICER. Without objection, the Senate will proceed en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table, en bloc, and that any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (S. 1275 and S. 1323) were read the third time and passed, as follows:

S. 1275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALICE R. BRUSICH POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7172 North Tongass Highway, in Ward Cove, Alaska, shall be known and designated as the ''Alice R. Brusich Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Alice R. Brusich Post Office Building''.

S. 1323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONNIE HIBBS OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located on Lindbald Avenue, in Girdwood, Alaska, shall be known and designated as the ''Dorothy and Connie Hibbs Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Dorothy and Connie Hibbs Post Office Building''.

THE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of the following items en bloc: Calendar No. 70, S. 362; Calendar No. 71, S. 39; Calendar No. 75, S. 50; and Calendar No. 76, S. 361.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consideration of the measures en bloc.

Mr. MCCONNELL. I ask unanimous consent the committee amendments, where applicable, be agreed to and considered as original text; the amendments at the desk be agreed to; the bills, as amended, be read a third time and passed; the motions to reconsider be laid on the table, en bloc; and any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARINE DEBRIS RESEARCH PREVENTION AND REDUCTION ACT

The Senate proceeded to consider the bill (S. 362) to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Marine Debris Research Prevention and Reduction Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The oceans, which comprise nearly three quarters of the Earth's surface, are an important source of food and provide a wealth of other natural products that are important to the economy of the United States and the world.

(2) Ocean and coastal areas are regions of remarkably high biological productivity, are

of considerable importance for a variety of recreational and commercial activities, and provide a vital means of transportation.

(3) Ocean and coastal resources are limited and susceptible to change as a direct and indirect result of human activities, and such changes can impact the ability of the ocean to provide the benefits upon which the Nation depends.

(4) Marine debris, including plastics, derelict fishing gear, and a wide variety of other objects, has a harmful and persistent effect on marine flora and fauna and can have adverse impacts on human health.

(5) Marine debris is also a hazard to navigation, putting mariners and rescuers, their vessels, and consequently the marine environment at risk, and can cause economic loss due to entanglement of vessel systems.

(6) Modern plastic materials persist for decades in the marine environment and therefore pose the greatest potential for long-term damage to the marine environment.

(7) Insufficient knowledge and data on the source, movement, and effects of plastics and other marine debris in marine ecosystems has hampered efforts to develop effective approaches for addressing marine debris.

(8) Lack of resources, inadequate attention to this issue, and poor coordination at the Federal level has undermined the development and implementation of a Federal program to address marine debris, both domestically and internationally.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish programs within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with other Federal and non-Federal entities;

(2) to re-establish the Inter-agency Marine Debris Coordinating Committee to ensure a coordinated government response across Federal agencies;

(3) to develop a Federal information clearinghouse to enable researchers to study the sources, scale and impact of marine debris more efficiently; and

(4) to take appropriate action in the international community to prevent marine debris and reduce concentrations of existing debris on a global scale.

SEC. 3. NOAA MARINE DEBRIS PREVENTION AND REMOVAL PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There is established, within the National Oceanic and Atmospheric Administration, a Marine Debris Prevention and Removal Program to reduce and prevent the occurrence and adverse impacts of marine debris on the marine environment and navigation safety.

(b) PROGRAM COMPONENTS.—Through the Marine Debris Prevention and Removal Program, the Administrator shall carry out the following activities:

(1) MAPPING, IDENTIFICATION, IMPACT ASSESSMENT, REMOVAL, AND PREVENTION.—The Administrator shall, in consultation with relevant Federal agencies, undertake marine debris mapping, identification, impact assessment, prevention, and removal efforts, with a focus on marine debris posing a threat to living marine resources (particularly endangered or protected species) and navigation safety, including—

(A) the establishment of a process, building on existing information sources maintained by Federal agencies such as the Environmental Protection Agency and the Coast Guard, for cataloguing and maintaining an inventory of marine debris and its impacts found in the United States navigable waters and the United States exclusive economic zone, including location, material, size, age, and origin, and impacts on habitat, living marine resources, human health, and navigation safety;

(B) measures to identify the origin, location, and projected movement of marine debris within the United States navigable waters, the United States exclusive economic zone, and the high seas, including the use of oceanographic, atmospheric, satellite, and remote sensing data; and

(C) development and implementation of strategies, methods, priorities, and a plan for preventing and removing marine debris from United States navigable waters and within the United States exclusive economic zone, including development of local or regional protocols for removal of derelict fishing gear.

(2) REDUCING AND PREVENTING LOSS OF GEAR.—The Administrator shall improve efforts and actively seek to prevent and reduce fishing gear losses, as well as to reduce adverse impacts of such gear on living marine resources and navigation safety, including—

(A) research and development of alternatives to gear posing threats to the marine environment, and methods for marking gear used in specific fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

(B) development of voluntary or mandatory measures to reduce the loss and discard of fishing gear, and to aid its recovery, such as incentive programs, reporting loss and recovery of gear, observer programs, toll-free reporting hotlines, computer-based notification forms, and providing adequate and free disposal recepticals at ports.

(3) OUTREACH.—The Administrator shall undertake outreach and education of the public and other stakeholders, such as the fishing industry, fishing gear manufacturers, and other marine-dependent industries, on sources of marine debris, threats associated with marine debris and approaches to identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigational safety. Including outreach and education activities through public-private initiatives. The Administrator shall coordinate outreach and education activities under this paragraph with any outreach programs conducted under section 2204 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1915).

(c) GRANTS.—

(1) IN GENERAL.—The Administrator shall provide financial assistance, in the form of grants, through the Marine Debris Prevention and Removal Program for projects to accomplish the purposes of this Act.

(2) 50 PERCENT MATCHING REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), Federal funds for any project under this section may not exceed 50 percent of the total cost of such project. For purposes of this subparagraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(B) WAIVER.—The Administrator may waive all or part of the matching requirement under subparagraph (A) if the Administrator determines that no reasonable means are available through which applicants can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(3) AMOUNTS PAID AND SERVICES RENDERED UNDER CONSENT.—

(A) CONSENT DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may include money paid pursuant to, or the value of any in-kind service performed under, an administrative order on consent or judicial consent decree that will remove or prevent marine debris.

(B) OTHER DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may not include any money paid pursuant to, or the value of any in-kind service performed under, any other administrative order or court order.

(4) ELIGIBILITY.—Any natural resource management authority of a State, Federal or other government authority whose activities directly or indirectly affect research or regulation of marine debris, and any educational or nongovernmental institutions with demonstrated expertise in a field related to marine debris, are eligible to submit to the Administrator a marine debris proposal under the grant program.

(5) GRANT CRITERIA AND GUIDELINES.—Within 180 days after the date of enactment of this Act, the Administrator shall promulgate necessary guidelines for implementation of the grant program, including development of criteria and priorities for grants. Such priorities may include proposals that would reduce new sources of marine debris and provide additional benefits to the public, such as recycling of marine debris or use of biodegradable materials. In developing those guidelines, the Administrator shall consult with—

(A) the Interagency Marine Debris Committee;

(B) regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(C) State, regional, and local governmental entities with marine debris experience;

(D) marine-dependent industries; and

(E) non-governmental organizations involved in marine debris research, prevention, or removal activities.

(6) PROJECT REVIEW AND APPROVAL.—The Administrator shall review each marine debris project proposal to determine if it meets the grant criteria and supports the goals of the Act. Not later than 120 days after receiving a project proposal under this section, the Administrator shall—

(A) provide for external merit-based peer review of the proposal;

(B) after considering any written comments and recommendations based on the review, approve or disapprove the proposal; and

(C) provide written notification of that approval or disapproval to the person who submitted the proposal.

(7) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success in meeting its stated goals, and impact on the marine debris problem.

SEC. 4. COAST GUARD PROGRAM.

The Commandant of the Coast Guard shall, in cooperation with the Administrator, undertake measures to reduce violations of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to the discard of plastics and other garbage from vessels. The measures shall include—

(1) the development of a strategy to improve monitoring and enforcement of current laws, as well as recommendations for statutory or regulatory changes to improve compliance and for the development of any appropriate amendments to MARPOL;

(2) regulations to address implementation gaps with respect to the requirement of MARPOL Annex V and section 6 of the Act to Prevent Pollution from Ships (33 U.S.C.

1905) that all United States ports and terminals maintain receptacles for disposing of plastics and other garbage, which may include measures to ensure that a sufficient quantity of such facilities exist at all such ports and terminals, requirements for logging the waste received, and for Coast Guard comparison of vessel and port log books to determine compliance;

(3) regulations to close record keeping gaps, which may include requiring fishing vessels under 400 gross tons entering United States ports to maintain records subject to Coast Guard inspection on the disposal of plastics and other garbage, that, at a minimum, include the time, date, type of garbage, quantity, and location of discharge by latitude and longitude or, if discharged on land, the name of the port where such material is offloaded for [disposal;] *disposal, taking into account potential economic impacts and technical feasibility;*

(4) regulations to improve ship-board waste management, which may include expanding to smaller vessels existing requirements to maintain ship-board receptacles and maintain a ship-board waste management plan, taking into account potential economic impacts and technical feasibility;

(5) the development, through outreach to commercial vessel operators and recreational boaters, of a voluntary reporting program, along with the establishment of a central reporting location, for incidents of damage to vessels caused by marine debris, as well as observed violations of existing laws and regulations relating to disposal of plastics and other marine debris; and

(6) a voluntary program encouraging United States flag vessels to inform the Coast Guard of any ports in other countries that lack adequate port reception facilities for garbage.

SEC. 5. INTERAGENCY COORDINATION.

(a) INTERAGENCY MARINE DEBRIS COMMITTEE ESTABLISHED.—There is established an Interagency Committee on Marine Debris to coordinate a comprehensive program of marine debris research and activities among Federal agencies, in cooperation and coordination with non-governmental organizations, industry, universities, and research institutions, State governments, Indian tribes, and other nations, as appropriate, and to foster cost-effective mechanisms to identify, determine sources of, assess, reduce, and prevent marine debris, and its adverse inpact on the marine environment and navigational safety, including the joint funding of research and mitigation and prevention strategies.

(b) MEMBERSHIP.—The Committee shall include a senior official from—

(1) the National Oceanic and Atmospheric Administration, who shall serve as the chairperson of the Committee;

(2) the United States Coast Guard;

(3) the Environmental Protection Agency;

(4) the United States Navy;

(5) the Maritime Administration of the Department of Transportation;

(6) the National Aeronautics and Space Administration;

(7) the U.S. Fish and Wildlife Service;

(8) the Department of State;

(9) the Marine Mammal Commission; and

(10) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Administrator determines appropriate.

(c) MEETINGS.—The Committee shall meet at least twice a year to provide a public, interagency forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

(d) DEFINITION.—The Committee shall develop and promulgate through regulation a definition of the term ''marine debris''.

(e) REPORTING.—

(1) INTERAGENCY REPORT ON MARINE DEBRIS IMPACTS AND STRATEGIES.—Not later than 12 months after the date of the enactment of this Act, the Committee, through the chairperson, and in cooperation with the coastal States, Indian tribes, local governments, and non-governmental organizations, shall complete and submit to the Congress a report identifying the source of marine debris, examining the ecological and economic impact of marine debris, alternatives for reducing, mitigating, preventing, and controlling the harmful affects of marine debris, the social and economic costs and benefits of such alternatives, and recommendations regarding both domestic and international marine debris issues.

(2) CONTENTS.—The report submitted under paragraph (1) shall provide recommendations on—

(A) establishing priority areas for action to address leading problems relating to marine debris;

(B) developing an effective strategy and approaches to preventing, reducing, removing, and disposing of marine debris, including through private-public partnerships;

(C) providing appropriate infrastructure for effective implementation and enforcement of measures to prevent and remove marine debris, especially the discard and loss of fishing gear;

(D) establishing effective and coordinated education and outreach activities; and

(E) ensuring Federal cooperation with, and assistance to, the coastal States (as defined in section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4))), Indian tribes, and local governments in the identification, determination of sources, prevention, reduction, management, mitigation, and control of marine debris and its adverse impacts.

(3) ANNUAL PROGRESS REPORTS.—Not later than 2 years after the date of the enactment of this Act, and every year thereafter, the Committee, through the chairperson, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that evaluates United States and international progress in meeting the purposes of this Act. The report shall include—

(A) the status of implementation of the recommendations of the Committee and analysis of their effectiveness;

(B) a summary of the marine debris inventory to be maintained by the National Oceanic and Atmospheric Administration;

(C) a review of the National Oceanic and Atmospheric Administration program authorized by section 3 of this Act, including projects funded and accomplishments relating to reduction and prevention of marine debris;

(D) a review of United States Coast Guard programs and accomplishments relating to marine debris removal, including enforcement and compliance with MARPOL requirements; and

(E) estimated Federal and non-Federal funding provided for marine debris and recommendations for priority funding needs.

(f) MONITORING.—The Administrator, in cooperation with the Administrator of the Environmental Protection Agency, shall utilize the marine debris data derived under this Act and title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist—

(1) the Committee in ensuring coordination of research, monitoring, education, and regulatory actions; and

(2) the United States Coast Guard in assessing the effectiveness of this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) in ensuring compliance under section 2201 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1913).

(g) CONFORMING AMENDMENT.—Section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914) is repealed.

SEC. 6. INTERNATIONAL COOPERATION.

The Interagency Marine Debris Committee shall develop a strategy and pursue in the International Maritime Organization and other appropriate international and regional forums, international action to reduce the incidence of marine debris, including—

(1) the inclusion of effective and enforceable marine debris prevention and removal measures in international and regional agreements, including fisheries agreements and maritime agreements;

(2) measures to strengthen and to improve compliance with MARPOL Annex V;

(3) national reporting and information requirements that will assist in improving information collection, identification and monitoring of marine debris;

(4) the establishment of an international database, consistent with the information clearinghouse established under section 7, that will provide current information on location, source, prevention, and removal of marine debris;

(5) the establishment of public-private partnerships and funding sources for pilot programs that will assist in implementation and compliance with marine debris requirements in international agreements and guidelines;

(6) the identification of possible amendments to and provisions in the International Maritime Organization Guidelines for the Implementation of Annex V of MARPOL for potential inclusion in Annex V; and

(7) when appropriate assist the responsible Federal agency in bilateral negotiations to effectively enforce marine debris prevention.

SEC. 7. FEDERAL INFORMATION CLEARINGHOUSE.

The Administrator, in coordination with the Committee, shall maintain a Federal information clearinghouse on marine debris that will be available to researchers and other interested parties to improve source identification, data sharing, and monitoring efforts through collaborative research and open sharing of data. The clearinghouse shall include—

(1) standardized protocols to map locations of commercial fishing and aquaculture activities using Geographic Information System techniques;

(2) a world-wide database which describes fishing gear and equipment, and fishing practices, including information on gear types and specifications;

(3) guidance on the identification of types of fishing gear fragments and their sources developed in consultation with persons of relevant expertise; and

(4) the data on mapping and identification of marine debris to be developed pursuant to section 3(b)(1) of this Act.

SEC. 8. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COMMITTEE.—The term ''Committee'' means the Interagency Marine Debris Committee established by section 5 of this Act.

(3) UNITED STATES EXCLUSIVE ECONOMIC ZONE.—The term ''United States exclusive economic zone'' means the zone established

by Presidential Proclamation Numbered 5030, dated March 10, 1983, including the ocean waters of the areas referred to as ''eastern special areas'' in article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990.

(4) MARPOL; ANNEX V; CONVENTION.—The terms ''MARPOL'', ''Annex 5'', and ''Convention'' have the meaning given those terms in paragraphs (3) and (4) of section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year 2006 through 2010—

(1) to the Administrator for the purpose of carrying out sections 3 and 7 of this Act, $10,000,000, of which no more than 10 percent may be for administrative costs; and

(2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out sections 4 and 6 of this Act, $5,000,000, of which no more than 10 percent may be used for administrative costs.

Mr. INOUYE. I rise today in support of S. 362, the Marine Debris Research, Prevention, and Reduction Act, legislation I introduced with Senator STEVENS, with the cosponsorship of Senators CANTWELL, SNOWE, LAUTENBERG, KERRY, SARBANES, AKAKA, and MURRAY.

This bill, which I am proud to say passed the Senate unanimously in the 108th Congress, focuses on one particular impact that goes unnoticed by many and has been largely ignored by the global community: marine debris. This problem is so important, and so pervasive, that it merited an entire chapter of the 2004 Report of the U.S. Commission on Ocean Policy.

While marine debris includes conventional ''trash,'' it also includes a vast array of additional materials that may find their way to sea, such as discarded or lost fishing gear, cargo washed overboard, and abandoned equipment from our commercial fleets. Marine debris is not only unsightly and dangerous to navigation, but it is also deadly to sea creatures, which may die entangled in a discarded fishing net or after ingesting plastic items such as lighters and toys.

While the problem is vast, it is also reversible when given sufficient emphasis, coordination, and funding. The bill being considered by the full Senate today aims to meet this challenge by adopting the measures recommended by both the Ocean Commission and the 2000 International Marine Debris Conference to help remove manmade marine debris from the list of ocean threats. The bill has strong support from the Bush administration, environmental groups, and others with an interest in the marine debris problem, including the Ocean Conservancy and the Northwest Straits Commission.

Specifically, our legislation would establish a Marine Debris Prevention and Removal Program within the National Oceanic and Atmospheric Administration, NOAA, direct the U.S. Coast Guard to improve enforcement of laws designed to prevent ship-based pollution from plastics and other garbage, reinvigorate an interagency committee on marine debris, and improve our research and information on marine debris sources, threats, and prevention. The bill would authorize $10 million in funding for the NOAA program, and $5 million in funding for the Coast Guard program. I am pleased to say that congressional action last year provided $5 million in appropriated funding to NOAA specifically toward this problem, and the Senate Appropriations Committee has recommended increasing this amount to $6.4 million in fiscal year 2006. We challenge the administration to likewise increase funding for this initiative in coming years.

In Hawaii, the impacts of marine debris are more visible because of the convergence caused by the North Pacific Tropical High. Atmospheric forces cause ocean surface currents to converge on Hawaii, bringing with them the vast amount of debris floating throughout the Pacific. Since 1996, a total of 484 tons of debris have been removed from coral reefs in the northwestern Hawaiian Islands, which is also home to many endangered marine species. In 2004 alone, the program removed over 125 tons of debris. However, because more debris arrives daily, the job is far from done.

I am pleased that the coordinated approach taken to address the threats posed by marine debris in the northwestern Hawaiian Islands has provided a model for the nation. We have learned that our best path to success lies in partnering with one another to share resources, and it is my hope that others may adapt our project to their own shores through the partnership and funding opportunities set forth in this bill.

We must also bear in mind that no matter how zealously we reform our practices, the ultimate solution lies in international cooperation. The oceans connect the coastal nations of the world, and we must work together to reduce this increasing threat to our seas and shores. The Marine Debris Research, Prevention, and Reduction Act will provide the United States with the tools to develop effective marine debris prevention and removal programs on a worldwide basis, including reporting and information requirements that will assist in the creation of an international marine debris database.

Mr. President, I encourage my colleagues to join me in supporting enactment of the Marine Debris Research, Prevention, and Reduction Act. This bill will provide the United States with the programs and resources necessary to protect our most valuable resources, our oceans.

The committee amendment was agreed to.

The amendment (No. 1099) was agreed to, as follows:

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 362), as amended, was read the third time, and passed.

NATIONAL OCEAN EXPLORATION PROGRAM ACT

The Senate proceeded to consider the bill (S. 39) to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration.

AMENDMENT NO. 1100

(Purpose: In the nature of a substitute)

The amendment (No. 1100) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 39), as amended, was read the third time and passed.

Mr. INOUYE. I rise today in support of S. 39, the National Ocean Exploration Program Act. As a cosponsor of S. 39, I join my good friend Chairman, STEVENS in supporting an enhanced national effort to explore our oceans, as was strongly recommended by the U.S. Commission on Ocean Policy. The oceans cover nearly three-quarters of the Earth's surface and contain a diversity of life which greatly exceeds that found in terrestrial systems, and yet our oceans remain poorly understood. I therefore commend my friend, Chairman STEVENS, for his initiative in this area and thank Senators SNOWE, DODD, KERRY, LAUTENBERG, CANTWELL, and REED for their support in cosponsoring this legislation.

Despite the importance of the oceans in human history, in regulating climate change, guaranteeing food security, providing energy resources, and enabling worldwide commerce, the U.S. spends only 3.5 percent of its research budget on ocean science, and far less on ocean exploration. Approximately 95 percent of the ocean floor remains unexplored. It is hard to understand our inattention to this exciting area of research given the opportunity ocean exploration provides for discovering new habitats, species, artifacts, and resources. Ocean exploration expeditions can provide images of ancient human artifacts, rare or previously undiscovered species, and exciting new ecosystems. These images ignite the imagination of the general public and engage them in marine science and conservation.

This bill is a reflection of Senator STEVENS' and my long history of working together to increase the funding for ocean exploration, as well as to secure a dedicated vessel to conduct these activities in U.S. waters and worldwide. To accomplish these goals our bill would establish a national ocean exploration program within the National Oceanic and Atmospheric Administration that, in coordination with the National Science Foundation, would conduct interdisciplinary ocean exploration voyages and give priority attention to deep ocean regions.

To facilitate the aims of the exploration program, the bill would also establish a Federal exploration technology and infrastructure task force. This task force would be charged with strengthening interagency coordination for the purposes of developing and

facilitating the transfer of new exploration technologies, communication infrastructure and data management systems to the exploration program. Long-term funding levels are also dedicated for ocean exploration in the bill.

I hope that my colleagues will work with us today to ensure the swift passage of the National Ocean Exploration Program Act.

TSUNAMI PREPAREDNESS ACT

The Senate proceeded to consider the bill (S. 50) to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 50

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Tsunami Preparedness Act''.

[SEC. 2. FINDINGS AND PURPOSES.

[(a) FINDINGS.—The Congress finds the following:

[(1) Tsunami are a series of large waves of long wavelength created by the displacement of water by violent undersea disturbances such as earthquakes, volcanic eruptions, landslides, explosions, and the impact of cosmic bodies.

[(2) Tsunami have caused, and can cause in the future, enormous loss of human life, injury, destruction of property, and economic and social disruption in coastal and island communities.

[(3) While 85 percent of tsunami occur in the Pacific Ocean, and coastal and island communities in this region are the most vulnerable to the destructive results, tsunami can occur at any point in any ocean or related body of water where there are earthquakes, volcanoes, or any other activity that displaces a large volume of water.

[(4) A number of States and territories are subject to the threat of tsunamis, including Alaska, California, Hawaii, Oregon, Washington, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands.

[(5) The National Oceanic and Atmospheric Administration is responsible for maintaining a tsunami detection and warning system for the Nation, issuing warnings to United States communities at risk from tsunami, and preparing those communities to respond appropriately, through—

[(A) the Pacific Tsunami Warning Center in Ewa Beach, Hawaii, which serves as a warning center for Hawaii, all other United States assets in the Pacific, and Puerto Rico;

[(B) the Alaska/West Coast Tsunami Warning Center in Palmer, Alaska, which is responsible for issuing warnings for Alaska, British Columbia, California, Oregon, and Washington;

[(C) the Federal-State national tsunami hazard mitigation program;

[(D) a tsunami research and assessment program, including programs conducted by the Pacific Marine Environmental Laboratory;

[(E) the TsunamiReady Program, which educates and prepares communities for survival before and during a tsunami; and

[(F) other related programs.

[(6) The National Oceanic and Atmospheric Administration also represents the United States as a member of the International Coordination Group for the Tsunami Warning System in the Pacific, administered by the Intergovernmental Oceanographic Commission of UNESCO, for which the Pacific Tsunami Warning Center acts as the operational center and shares seismic and water level information with 26 member states, and maintains UNESCO's International Tsunami Information Center, in Honolulu, Hawaii, which provides technical and educational assistance to member states.

[(7) The Tsunami Warning Centers receive seismographic information from the Global Seismic Network, an international system of earthquake monitoring stations, from the United States Geological Survey National Earthquake Information Center, and from cooperative regional seismic networks, and use these data to issue tsunami warnings and integrate the information with data from their own tidal and deep ocean monitoring stations, to cancel or verify the existence of a damaging tsunami. Warnings are disseminated by the National Oceanic and Atmospheric Administration to State emergency operation centers.

[(8) Current gaps in the International Tsunami Warning System, such as the lack of regional warning systems in the Indian Ocean, the southwest Pacific Ocean, Central and South America, the Mediterranean Sea, and Caribbean, pose risks for coastal and island communities.

[(9) The tragic and extreme loss of life experienced by countries in the Indian Ocean following the magnitude 9.0 earthquake and resulting tsunami in that region on December 26, 2004, illustrates the destructive consequences which can occur in the absence of an effective tsunami warning and notification system.

[(10) An effective tsunami warning and notification system is part of a multi-hazard disaster warning and preparedness program and requires near real-time seismic, sea level, and oceanographic data, high-speed data analysis capabilities, a high-speed tsunami warning communication system, a sustained program of education and risk assessment, and an established local communications infrastructure for timely and effective dissemination of warnings to activate evacuation of tsunami hazard zones.

[(11) The Tsunami Warning System for the Pacific is a model for other regions of the world to adopt, and can be expanded and modernized to increase detection, forecast, and warning capabilities for vulnerable states and territories, reduce the incidence of costly false alarms, improve reliability of measurement and assessment technology, and increase community preparedness.

[(12) Tsunami warning and preparedness capability can be developed in other vulnerable areas of the world, such as the Indian Ocean, by identifying tsunami hazard zones, educating populations, developing alert and notification communications infrastructure, and by deploying near real-time tsunami detection sensors and gauges, establishing hazard communication and warning networks, expanding global monitoring of seismic activity, encouraging the increased exchange of seismic and tidal data between nations, and improving international coordination when a tsunami is detected.

[(13) UNESCO has recognized the need to establish tsunami warning systems for regions beyond the Pacific Basin that are vulnerable to tsunams, including the Indian Ocean, and has convened a working group to lead an effort to expand the International Tsunami Warning System in the Pacific to such vulnerable regions.

[(14) The international community and all vulnerable nations should take coordinated efforts to establish and participate in regional tsunami warning systems and other hazard warnings systems developed to meet the goals of the United Nations International Strategy for Disaster Reduction.

[(b) PURPOSES.—The purposes of this Act are—

[(1) to improve tsunami detection, forecast, warnings, notification, preparedness, and mitigation in order to protect life and property both in the United States and elsewhere in the world;

[(2) to improve and modernize the existing Pacific Tsunami Warning System to increase coverage, reduce false alarms and increase accuracy of forecasts and warnings, and expand detection and warning systems to include other vulnerable States and United States territories, including the Caribbean/Atlantic/Gulf region;

[(3) to increase and accelerate mapping, modeling, research, assessment, education, and outreach efforts in order to improve forecasting, preparedness, mitigation, response, and recovery of tsunami and related coastal hazards;

[(4) to provide technical and other assistance to speed international efforts to establish regional tsunami warning systems in vulnerable areas worldwide, including the Indian Ocean; and

[(5) to improve Federal, State, and international coordination for tsunami and other coastal hazard warnings and preparedness.

[SEC. 3. TSUNAMI DETECTION AND WARNING SYSTEM.

[(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall operate regional tsunami detection and warning systems for the Pacific Ocean region and for the Atlantic Ocean, Caribbean, and Gulf of Mexico region that will provide maximum detection capability for United States coastal tsunami.

[(b) SYSTEM REQUIREMENTS.—

[(1) PACIFIC SYSTEM.—The Pacific tsunami warning system shall cover the entire Pacific Ocean area, including the Western Pacific, the Central Pacific, the North Pacific, the South Pacific, and the East Pacific and Arctic areas.

[(2) ATLANTIC, CARIBBEAN, AND GULF OF MEXICO SYSTEM.—The Atlantic, Caribbean, and Gulf system shall cover areas of the Atlantic Ocean, Caribbean Sea, and the Gulf of Mexico that the Administrator determines—

[(A) to be geologically active, or to have significant potential for geological activity; and

[(B) to pose measurable risks of tsunamis for States along the coastal areas of the Atlantic Ocean or the Gulf of Mexico.

[(3) COMPONENTS.—The systems shall—

[(A) utilize an array of deep ocean detection buoys, including redundant and spare buoys;

[(B) include an associated tide gauge and water level system designed for long-term continuous operation tsunami transmission capability;

[(C) provide for establishment of a cooperative effort between the National Oceanic and Atmospheric Administration and the United States Geological Survey under which the Geological Survey provides rapid and reliable seismic information to the Administration from international and domestic seismic networks;

[(D) provide for information and data processing through the tsunami warning centers established under subsection (c);

[(E) be integrated into United States and global ocean and earth observing systems; and

[(F) provide a communications infrastructure for at-risk tsunami communities that supports rapid and reliable alert and notification to the public such as the National Oceanic and Atmospheric Administration weather radio and the All Hazard Alert Broadcasting Radio.

[(c) TSUNAMI WARNING CENTERS.—

[(1) IN GENERAL.—The Administrator shall establish tsunami warning centers to provide a link between the detection and warning system and the tsunami hazard mitigation program established under section 4 including—

[(A) a Pacific Tsunami Warning Center in Hawaii;

[(B) a West Coast and Alaska Tsunami Warning Center in Alaska; and

[(C) any additional warning centers determined by the Administrator to be necessary.

[(2) RESPONSIBILITIES.—The responsibilities of each tsunami warning center shall include—

[(A) continuously monitoring data from seismological, deep ocean, and tidal monitoring stations;

[(B) evaluating earthquakes that have the potential to generate tsunami;

[(C) evaluating deep ocean buoy data and tidal monitoring stations for indications of tsunami resulting from sources other than earthquakes; and

[(D) disseminating information and warning bulletins appropriate for local and distant tsunamis to government agencies and the public and alerting potentially impacted coastal areas for evacuation.

[(d) TRANSFER OF TECHNOLOGY; MAINTENANCE AND UPGRADES.—In carrying out this section, the Administrator shall—

[(1) promulgate specifications and standards for forecast, detection, and warning systems, including detection equipment;

[(2) develop and execute a plan for the transfer of technology from ongoing research to long-term operations;

[(3) ensure that detection equipment is maintained in operational condition to fulfill the forecasting, detection and warning requirements of the regional tsunami detection and warning systems;

[(4) obtain, to the greatest extent practicable, priority treatment in budgeting for, acquiring, transporting, and maintaining weather sensors, tide gauges, water level gauges, and tsunami buoys incorporated into the system including obtaining ship time; and

[(5) ensure integration of the tsunami detection system with other United States and global ocean and coastal observation systems, the global earth observing system of systems, global seismic networks, and the Advanced National Seismic System.

[(e) CERTIFICATION.—Amounts appropriated for any fiscal year pursuant to section 8 to carry out this section may not be obligated or expended for the acquisition of services for construction or deployment of tsunami detection equipment unless the Administrator certifies in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 60 calendar days after the date on which the President submits the Budget of the United States for that fiscal year to the Congress that—

[(1) each contractor for such services has met the requirements of the contract for such construction or deployment;

[(2) the equipment to be constructed or deployed is capable of becoming fully operational without the obligation or expenditure of additional appropriated funds; and

[(3) the Administrator does not reasonably foresee unanticipated delays in the deployment and operational schedule specified in the contract.

[SEC. 4. TSUNAMI HAZARD MITIGATION PROGRAM.

[(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration is authorized to conduct a community-based tsunami hazard mitigation program to improve tsunami preparedness of at-risk areas.

[(b) COORDINATING COMMITTEE.—In conducting the program, the Administrator shall establish a coordinating committee comprising representatives of—

[(1) the National Oceanic and Atmospheric Administration;

[(2) the United States Geological Survey;

[(3) the Federal Emergency Management Agency;

[(4) the National Science Foundation; and

[(5) affected coastal States and territories.

[(c) PROGRAM COMPONENTS.—The program shall—

[(1) improve the quality and extent of inundation mapping, including assessment of vulnerable inner coastal areas;

[(2) promote and improve community outreach and education networks and programs to ensure community readiness, including the development of multi-hazard risk and vulnerability assessment training and decision support tools, implementation of technical training and public education programs, and provide for certification of prepared communities;

[(3) integrate tsunami preparedness and mitigation programs into ongoing hazard warning and risk management programs in affected areas including the National Response Plan;

[(4) promote the adoption of tsunami warning and mitigation measures by Federal, State, tribal, and local governments and non-governmental entities through a grant program for training, development of guidelines, and other purposes;

[(5) through the Federal Emergency Management Agency as the lead agency, develop tsunami specific rescue and recovery guidelines for the National Response Plan, including long-term mitigation measures, educational programs to discourage development in high-risk areas, and use of remote sensing and other technology in rescue and recovery operations;

[(6) require budget coordination, through the Administration, to carry out the purposes of this Act and to ensure that participating agencies provide necessary funds for matters within their respective areas of authority and expertise; and

[(7) provide for periodic external review of the program and for inclusion of the results of such reviews in the report required by section 6(c).

[SEC. 5. TSUNAMI RESEARCH PROGRAM.

[(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall, in coordination with other agencies and academic institutions, establish a tsunami research program to develop detection, prediction, communication, and mitigation science and technology that supports tsunami forecasts and warnings, including advanced sensing techniques, information and communication technology, data collection, analysis and assessment for tsunami tracking and numerical forecast modeling that will—

[(1) help determine—

[(A) whether an earthquake or other seismic event will result in a tsunami; and

[(B) the likely path, severity, duration, and travel time of a tsunami;

[(2) develop techniques and technologies that may be used to communicate tsunami forecasts and warnings as quickly and effectively as possible to affected communities;

[(3) develop techniques and technologies to support evacuation products, including real-time notice of the condition of critical infrastructure along tsunami evacuation routes for public officials and first responders; and

[(4) develop techniques for utilizing remote sensing technologies in rescue and recovery operations.

[(b) COMMUNICATIONS TECHNOLOGY.—The Administrator, in consultation with the Assistant Secretary of Commerce for Communications and Information and the Federal Communications Commission, shall investigate the potential for improved communications systems for tsunami and other hazard warnings by incorporating into the existing network a full range of options for providing those warnings to the public, including, as appropriate—

[(1) telephones, including special alert rings;

[(2) wireless and satellite technology, including cellular telephones and pagers;

[(3) the Internet, including e-mail;

[(4) automatic alert televisions and radios;

[(5) innovative and low-cost combinations of such technologies that may provide access to remote areas; and

[(6) other technologies that may be developed.

[SEC. 6. TSUNAMI SYSTEM UPGRADE AND MODERNIZATION.

[(a) SYSTEM UPGRADES.—The Administrator of the National Oceanic and Atmospheric Administration shall—

[(1) authorize and direct the immediate repair of existing deep ocean detection buoys and related components of the system;

[(2) ensure the deployment of an array of deep ocean detection buoys in the regions described in section 3(a) of this Act;

[(3) ensure expansion or upgrade of the tide gauge network in the regions described in section 3(a); and

[(4) complete the upgrades not later than December 31, 2007.

[(b) CONGRESSIONAL NOTIFICATIONS.—The Administrator shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science of—

[(1) impaired regional detection coverage due to equipment or system failures; and

[(2) significant contractor failures or delays in completing work associated with the tsunami detection and warning system.

[(c) ANNUAL REPORT.—The Administrator shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the status of the tsunami detection and warning system, including accuracy, false alarms, equipment failures, improvements over the previous year, and goals for further improvement (or plans for curing failures) of the system, as well as progress and accomplishments of the national tsunami hazard mitigation program.

[(d) EXTERNAL REVIEW.—The National Academy of Science shall review the tsunami detection, forecast, and warning system operated by the National Oceanic and Atmospheric Administration under this Act to assess further modernization and coverage needs, as well as long-term operational reliability issues, taking into account measures implemented under this Act, and transmit a report containing its recommendations, including an estimate of the costs of implementing those recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 24 months after the date of enactment of this Act.

[SEC. 7. GLOBAL TSUNAMI WARNING AND MITIGATION NETWORK.

[(a) INTERNATIONAL TSUNAMI WARNING SYSTEM.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with other members of the United States Interagency Committee of the National Tsunami Mitigation Program, shall provide technical assistance and advice to the Intergovernmental Oceanographic Commission of UNESCO, the World Meteorological Organization, and other international entities, as part of international efforts to develop a fully functional global tsunami warning system comprised of regional tsunami warning networks, modeled on the International Tsunami Warning System of the Pacific.

[(b) DETECTION EQUIPMENT; TECHNICAL ADVICE.—In carrying out this section, the Administrator—

[(1) shall give priority to assisting nations in identifying vulnerable coastal areas, creating inundation maps, obtaining or designing real-time detection and reporting equipment, and establishing communication and warning networks and contact points in each vulnerable nation; and

[(2) may establish a process for transfer of detection and communication technology to affected nations for the purposes of establishing the international tsunami warning system.

[(c) DATA-SHARING REQUIREMENT.—The Administrator may not provide assistance under this section for any region unless all affected nations in that region participating in the tsunami warning network agree to share relevant data associated with the development and operation of the network.

[(d) RECEIPT OF INTERNATIONAL REIMBURSEMENT AUTHORIZED.—The Administrator may accept payment to, or reimbursement of, the National Oceanic and Atmospheric Administration in cash or in kind from international organizations and foreign authorities, or payment or reimbursement made on behalf of such an authority, for expenses incurred by the Administrator in carrying out any activity under this Act. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Administration.

[SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration $35,000,000 for each of fiscal years 2006 through 2012 to carry out this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tsunami Preparedness Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Tsunami are a series of large waves of long wavelength created by the displacement of water by violent undersea disturbances such as earthquakes, volcanic eruptions, landslides, explosions, and the impact of cosmic bodies.

(2) Tsunami have caused, and can cause in the future, enormous loss of human life, injury, destruction of property, and economic and social disruption in coastal and island communities.

(3) While 85 percent of tsunami occur in the Pacific Ocean, and coastal and island communities in this region are the most vulnerable to the destructive results, tsunami can occur at any point in any ocean or related body of water where there are earthquakes, volcanoes, or any other activity that displaces a large volume of water.

(4) A number of States and territories are subject to the threat of tsunamis, including Alaska, California, Hawaii, Oregon, Washington, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands.

(5) The National Oceanic and Atmospheric Administration is responsible for maintaining a tsunami detection and warning system for the Nation, issuing warnings to United States communities at risk from tsunami, and preparing those communities to respond appropriately, through—

(A) the Pacific Tsunami Warning Center in Ewa Beach, Hawaii, which serves as a warning center for Hawaii, all other United States assets in the Pacific, and Puerto Rico;

(B) the Alaska/West Coast Tsunami Warning Center in Palmer, Alaska, which is responsible for issuing warnings for Alaska, British Columbia, California, Oregon, and Washington;

(C) the Federal-State national tsunami hazard mitigation program;

(D) a tsunami research and assessment program, including programs conducted by the Pacific Marine Environmental Laboratory;

(E) the TsunamiReady Program, which educates and prepares communities for survival before and during a tsunami;

(F) an archive of historical tsunami data, held at the National Oceanic and Atmospheric Administration's National Geophysical Data Center; and

(G) other related programs, including those operated in coordination with academic institutions.

(6) The National Oceanic and Atmospheric Administration also represents the United States as a member of the International Coordination Group for the Tsunami Warning System in the Pacific, administered by the Intergovernmental Oceanographic Commission of UNESCO, for which the Pacific Tsunami Warning Center acts as the operational center and shares seismic and water level information with 26 member states, and maintains UNESCO's International Tsunami Information Center, in Honolulu, Hawaii, which provides technical and educational assistance to member states.

(7) The Tsunami Warning Centers receive seismographic information from the Global Seismic Network, an international system of earthquake monitoring stations, from the United States Geological Survey National Earthquake Information Center, the Alaska Earthquake Information Center, and cooperative regional seismic networks, and use these data to issue tsunami warnings and integrate the information with data from their own tidal and deep ocean monitoring stations, to cancel or verify the existence of a damaging tsunami. Warnings are disseminated by the National Oceanic and Atmospheric Administration to State emergency operation centers.

(8) Current gaps in the International Tsunami Warning System, such as the lack of regional warning systems in the Indian Ocean, the southwest Pacific Ocean, Central and South America, the Mediterranean Sea, and Caribbean, pose risks for coastal and island communities.

(9) The tragic and extreme loss of life experienced by countries in the Indian Ocean following the magnitude 9.0 earthquake and resulting tsunami in that region on December 26, 2004, illustrates the destructive consequences which can occur in the absence of an effective tsunami warning and notification system.

(10) An effective tsunami warning and notification system is part of a multi-hazard disaster warning and preparedness program and requires real-time seismic, sea level, and oceanographic data, high-speed data analysis capabilities, a high-speed tsunami warning communication system, a sustained program of education and risk assessment to develop response strategies, and an established local communications infrastructure for timely and effective dissemination of warnings to activate evacuation of tsunami hazard zones.

(11) The Tsunami Warning System for the Pacific is a model for other regions of the world to adopt, and can be expanded and modernized to increase detection, forecast, and warning capabilities for vulnerable states and territories, reduce the incidence of costly false alarms, improve reliability of measurement and assessment technology, and increase community preparedness.

(12) Tsunami warning and preparedness capability can be developed in other vulnerable areas of the world, such as the Indian Ocean, by identifying tsunami hazard zones, educating populations, developing alert and notification communications infrastructure, and by deploying near real-time tsunami detection sensors and gauges, establishing hazard communication and warning networks, expanding global monitoring of seismic activity, encouraging the increased exchange of seismic and tidal data between nations, and improving international coordination when a tsunami is detected.

(13) UNESCO has recognized the need to establish tsunami warning systems for regions beyond the Pacific Basin that are vulnerable to tsunami, including the Indian Ocean, and has convened a working group to lead an effort to expand the International Tsunami Warning System in the Pacific to such vulnerable regions.

(14) The international community and all vulnerable nations should take coordinated efforts to establish and participate in regional tsunami warning systems and other hazard warnings systems developed to meet the goals of the United Nations International Strategy for Disaster Reduction.

(15) On February 16, 2005, the United States, together with 53 other Nations participating in the Third Earth Observation Summit in Brussels, Belgium, adopted a 10-year implementation plan as the basis for establishing the Global Earth Observation System of Systems.

(16) The Global Earth Observation System of Systems will consist of existing and future earth observation systems, including the United States tsunami detection and warning system.

(b) PURPOSES.—The purposes of this Act are—

(1) to improve tsunami detection, forecast, warnings, notification, preparedness, and mitigation in order to protect life and property both in the United States and elsewhere in the world;

(2) to improve and modernize the existing Pacific Tsunami Warning System to increase coverage, reduce false alarms and increase accuracy of forecasts and warnings, and expand detection and warning systems to include other vulnerable States and United States territories, including the Caribbean/Atlantic/Gulf region;

(3) to increase and accelerate mapping, modeling, research, assessment, education, and outreach efforts in order to improve forecasting, preparedness, mitigation, response, and recovery of tsunami and related coastal hazards;

(4) to provide technical and other assistance to speed international efforts to establish regional tsunami warning systems in vulnerable areas worldwide, including the Indian Ocean; and

(5) to improve Federal, State, and international coordination for tsunami and other coastal hazard warnings and preparedness.

SEC. 3. TSUNAMI DETECTION AND WARNING SYSTEM.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall operate regional tsunami detection and warning systems for the Pacific Ocean region and for the Atlantic Ocean, Caribbean, and Gulf of Mexico region that will provide maximum detection capability for United States coastal tsunami.

(b) SYSTEM REQUIREMENTS.—

(1) PACIFIC SYSTEM.—The Pacific tsunami warning system shall cover the entire Pacific Ocean area, including the Western Pacific, the Central Pacific, the North Pacific, the South Pacific, and the East Pacific and Arctic areas.

(2) ATLANTIC, CARIBBEAN, AND GULF OF MEXICO SYSTEM.—The Atlantic, Caribbean, and Gulf system shall cover areas of the Atlantic Ocean,

Caribbean Sea, and the Gulf of Mexico that the Administrator determines—

(A) to be geologically active, or to have significant potential for geological activity; and

(B) to pose measurable risks of tsunamis for States along the coastal areas of the Atlantic Ocean or the Gulf of Mexico.

(3) COMPONENTS.—The systems shall—

(A) utilize an array of deep ocean detection buoys, including redundant and spare buoys;

(B) include an associated tide gauge and water level system designed for long-term continuous operation tsunami transmission capability;

(C) allow for such additional sensors as may be necessary to provide other ocean and earth observation capabilities;

(D) provide for the establishment of a cooperative effort between the National Oceanic and Atmospheric Administration and the United States Geological Survey under which the Geological Survey and State earthquake information centers provide rapid and reliable real-time seismic information to the Administration from international and domestic seismic networks;

(E) provide for information and data processing through the tsunami warning centers established under subsection (c);

(F) be integrated into United States and global ocean and earth observing systems, including the Global Earth Observation System of Systems;

(G) provide a communications infrastructure, in coordination with local communications providers, for at-risk tsunami communities that supports rapid and reliable alert and notification to the public, such as the National Oceanic and Atmospheric Administration's Weather, Alert, and Readiness Network, which includes the weather radio and the All Hazard Alert Broadcasting Radio; and

(H) the integration of NOAA's Advanced Weather Interactive Processing System with other communications technologies.

(4) FEDERAL COOPERATION.—In deploying and maintaining detection buoys utilized in the tsunami warning system, the Administrator should leverage the assistance and assets of the United States Coast Guard, the Navy, and other Federal agency assets in the region. Within 180 days after the date of enactment of this Act, the Administrator shall provide a report to the Senate committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Committee on Resources that summarizes the extent to which the United States Coast Guard or any other Federal agency is assistance in deploying and maintaining such buoys.

(c) TSUNAMI WARNING CENTERS.—

(1) IN GENERAL.—The Administrator shall establish tsunami warning centers to provide a link between the detection and warning system and the tsunami hazard mitigation program established under section 4 including—

(A) a Pacific Tsunami Warning Center in Hawaii;

(B) a West Coast and Alaska Tsunami Warning Center in Alaska; and

(C) any additional warning centers determined by the Administrator to be necessary.

(2) RESPONSIBILITIES.—The responsibilities of each tsunami warning center shall include—

(A) continuously monitoring data from seismological stations, deep ocean detection buoys, and tidal monitoring stations and providing such data to the national tsunami archive;

(B) evaluating earthquakes that have the potential to generate tsunami;

(C) evaluating deep ocean buoy data and tidal monitoring stations for indications of tsunami resulting from sources other than earthquakes; and

(D) disseminating information and warning bulletins appropriate for local and distant tsunamis to government agencies and the public and alerting potentially impacted coastal areas for evacuation.

(d) DATA MANAGEMENT.—The Administrator shall maintain national and regionally-based data management systems to support and establish data management requirements for the tsunami detection and monitoring system, including requirements for—

(1) quality control and quality assurance;

(2) archiving and maintaining data;

(3) supporting integration of observations from the system with other national and international water level measurements, such as the Global Sea Level Monitoring System;

(4) integration of observations from the system with other elements of the global and coastal components of the integrated ocean and coastal observing system and the Global Earth Observation System of Systems; and

(5) the development of and access to data sets and integrated data products designed to support multi-hazard regional vulnerability assessment and adaptation programs such as the program established under section 8.

SEC. 4. TSUNAMI HAZARD MITIGATION PROGRAM.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall, in coordination with other agencies and academic institutions, develop and conduct a community-based tsunami hazard mitigation program to improve tsunami preparedness of at-risk areas.

(b) COORDINATING COMMITTEE.—In developing and conducting the program, the Administrator shall establish a coordinating committee comprising representatives of—

(1) the National Oceanic and Atmospheric Administration;

(2) the United States Geological Survey;

(3) the Federal Emergency Management Agency;

(4) the National Science Foundation;

(5) the National Institute of Standards and Technology; and

(6) affected coastal States and territories.

(c) PROGRAM COMPONENTS.—The program shall—

(1) improve the quality and extent of inundation mapping, including assessment of vulnerable inner coastal areas;

(2) promote and improve community outreach and education networks and programs to ensure community awareness and readiness, including the development of multi-hazard risk and vulnerability assessment training and decision support tools, implementation of technical training and public education programs, and provide for certification of prepared communities;

(3) integrate tsunami awareness, preparedness, and mitigation programs into ongoing hazard warning and risk management programs in affected areas including the National Response Plan and State coastal zone management plans;

(4) promote the adoption of tsunami warning and mitigation measures by Federal, State, tribal, and local governments and non-governmental entities through a grant program for training, development of guidelines, and other purposes;

(5) through the Federal Emergency Management Agency as the lead agency, develop tsunami specific rescue and recovery guidelines for the National Response Plan, including long-term mitigation measures, educational programs to discourage development in high-risk areas, and use of remote sensing and other technology in rescue and recovery operations;

(6) require budget coordination, through the Administration, to carry out the purposes of this Act and to ensure that participating agencies provide necessary funds for matters within their respective areas of authority and expertise; and

(7) provide for periodic external review of the program and for inclusion of the results of such reviews in the report required by section 6(e).

SEC. 5. TSUNAMI RESEARCH PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall, in coordination with other agencies and academic institutions, establish a tsunami research program to develop detection, prediction, communication, and mitigation science and technology that supports tsunami forecasts and warnings, including advanced sensing techniques, information and communication technology, data collection, analysis and assessment for tsunami tracking and numerical forecast modeling that will—

(1) help determine—

(A) whether an earthquake or other seismic event will result in a tsunami; and

(B) the likely path, severity, duration, and travel time of a tsunami;

(2) develop techniques and technologies that may be used to communicate tsunami forecasts and warnings as quickly and effectively as possible to affected communities;

(3) develop techniques and technologies to support evacuation products, including real-time notice of the condition of critical infrastructure along tsunami evacuation routes for public officials and first responders; and

(4) develop techniques for utilizing remote sensing technologies in rescue and recovery operations.

(b) COMMUNICATIONS TECHNOLOGY.—The Administrator, in consultation with in consultation with the Assistant Secretary of Commerce for Communications and Information and the Federal Communications Commission, shall investigate the potential for improved communications systems for tsunami and other hazard warnings by incorporating into the existing network a full range of options for providing those warnings to the public, including, as appropriate—

(1) telephones, including special alert rings;

(2) wireless and satellite technology, including cellular telephones and pagers;

(3) the Internet, including e-mail;

(4) automatic alert televisions and radios;

(5) innovative and low-cost combinations of such technologies that may provide access to remote areas; and

(6) other technologies that may be developed.

SEC. 6. TSUNAMI SYSTEM UPGRADE AND MODERNIZATION.

(a) SYSTEM UPGRADES.—The Administrator of the National Oceanic and Atmospheric Administration shall—

(1) authorize and direct the immediate repair of existing deep ocean detection buoys and related components of the system;

(2) ensure the deployment of an array of deep ocean detection buoys capable of carrying multi-observation technology in the regions described in section 3(a) of this Act;

(3) ensure expansion or upgrade of the seismic monitoring and tide gauge networks in the regions described in section 3(a); and

(4) complete the upgrades not later than December 31, 2007.

(b) TRANSFER OF TECHNOLOGY; MAINTENANCE AND UPGRADES.—In carrying out this section, the Administrator shall—

(1) promulgate specifications and standards for forecast, detection, and warning systems, including detection equipment;

(2) develop and execute a plan for the transfer of technology from ongoing research to long-term operations;

(3) ensure that detection equipment is maintained in operational condition to fulfill the forecasting, detection and warning requirements of the regional tsunami detection and warning systems;

(4) obtain, to the greatest extent practicable, priority treatment in budgeting for, acquiring, transporting, and maintaining weather sensors, tide gauges, water level gauges, and tsunami buoys incorporated into the system including obtaining ship time; and

(5) ensure integration of the tsunami detection system with other United States and global ocean and coastal observation systems, the Global Earth Observation System of Systems, global seismic networks, and the Advanced National Seismic System.

(c) CERTIFICATION.—Amounts appropriated for any fiscal year pursuant to section 9 to carry out this section may not be obligated or expended for the acquisition of services for construction or deployment of tsunami detection equipment unless the Administrator certifies in writing to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Committee on Resources within 60 calendar days after the date on which the President submits the Budget of the United States for that fiscal year to the Congress that—

(1) each contractor for such services has met the requirements of the contract for such construction or deployment;

(2) the equipment to be constructed or deployed is capable of becoming fully operational without the obligation or expenditure of additional appropriated funds; and

(3) the Administrator does not reasonably foresee unanticipated delays in the deployment and operational schedule specified in the contract.

(d) CONGRESSIONAL NOTIFICATIONS.—The Administrator shall notify the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Committee on Resources of—

(1) impaired regional detection coverage due to equipment or system failures; and

(2) significant contractor failures or delays in completing work associated with the tsunami detection and warning system.

(e) ANNUAL REPORT.—The Administrator shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science the status of the tsunami detection and warning system, including accuracy, false alarms, equipment failures, improvements over the previous year, and goals for further improvement (or plans for curing failures) of the system, as well as progress and accomplishments of the national tsunami hazard mitigation program.

(f) EXTERNAL REVIEW.—The National Academy of Science shall review the tsunami detection, forecast, and warning system operated by the National Oceanic and Atmospheric Administration under this Act to assess further modernization and coverage needs, as well as long-term operational reliability issues, taking into account measures implemented under this Act, and transmit a report containing its recommendations, including an estimate of the costs of implementing those recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 24 months after the date of enactment of this Act.

SEC. 7. GLOBAL TSUNAMI WARNING AND MITIGATION NETWORK.

(a) INTERNATIONAL TSUNAMI WARNING SYSTEM.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with other members of the United States Interagency Committee of the National Tsunami Mitigation Program, shall provide technical assistance and advice to the Intergovernmental Oceanographic Commission of UNESCO, the World Meteorological Organization, the Group on Earth Observations, and other international entities, as part of international efforts to develop a fully functional global tsunami warning system comprised of regional tsunami warning networks, modeled on the International Tsunami Warning System of the Pacific, and consistent with the 10-year implementation plan for the Global Earth Observation System of Systems.

(b) INTERNATIONAL TSUNAMI INFORMATION CENTER.—The Administrator shall operate an International Tsunami Information Center to improve tsunami preparedness for all Pacific Ocean nations participating in the International Tsunami Warning System of the Pacific, and which may also provide such assistance to other nations participating in a global tsunami warning system established through the International Oceanographic Committee of UNESCO. As part of its responsibilities in the Pacific, the Center shall—

(1) monitor international tsunami warning activities in the Pacific;

(2) assist member states in establishing national warning systems, and make information available on current technologies for tsunami warning systems;

(3) maintain a library of materials to promulgate knowledge about tsunamis in general and for use by the scientific community; and

(4) disseminate information, including educational materials and research reports.

(c) TECHNICAL ASSISTANCE.—In carrying out this section, the Administrator—

(1) shall give priority to assisting nations in identifying vulnerable coastal areas, creating inundation maps, obtaining or designing real-time detection and reporting equipment, and establishing communication and warning networks and contact points in each vulnerable nation;

(2) may establish a process for transfer of detection and communication technology to affected nations for the purposes of establishing the international tsunami warning system; and

(3) shall provide technical and other assistance to support international tsunami education, response, vulnerability, and adaptation programs.

(d) DATA-SHARING REQUIREMENT.—The Administrator may not provide assistance under this section for any region unless all affected nations in that region participating in the tsunami warning network agree to share relevant data associated with the development and operation of the network.

(e) FUNDING ASSISTANCE.—The Administrator, in coordination with the Secretary of State, shall seek funding assistance from participating nations needed to ensure establishment of a fully functional global tsunami warning system.

(f) RECEIPT OF INTERNATIONAL REIMBURSEMENT AUTHORIZED.—The Administrator may accept payment to, or reimbursement of, the National Oceanic and Atmospheric Administration in cash or in kind from international organizations and foreign authorities, or payment or reimbursement made on behalf of such an authority, for expenses incurred by the Administrator in carrying out any activity under this Act. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Administration.

SEC. 8. COASTAL COMMUNITY VULNERABILITY AND ADAPTATION PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall establish an integrated coastal vulnerability and adaptation program focused on improving the resilience of coastal communities to natural hazards and disasters. The program shall be regional in nature, build upon and integrate existing Federal and State programs, and provide usable products that will improve preparedness of communities, businesses, and government entities. The program may include the following activities:

(1) Development of multi-hazard vulnerability maps to characterize and assess risks of coastal communities to a range of natural hazards and provide a baseline for assessing future risks.

(2) Multi-disciplinary vulnerability assessment research and education that will help integrate risk management with community development planning and policies.

(3) Risk management and leadership training for the public, local officials, and institutions that will enhance understanding and preparedness.

(4) Risk assessment technology development, including research and development of emerging technologies and practical application of existing or emerging technologies, such as modeling, remote sensing, geospatial technology, engineering, and observing systems.

(5) Risk management data and information services, including access to data and products derived from observing and detection systems, as well as development and maintenance of new integrated data products that would support risk assessment and risk management programs.

(6) Risk communication systems that coordinate with and build upon existing alert, warning, and forecast systems and actively engage policy officials, government agencies, businesses, communities, non-governmental organizations, and the media in the design and implementation of the system.

(b) REGIONAL PILOT PROJECTS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator shall, in consultation with the appropriate Federal, State, tribal, and local governmental entities, establish 3 pilot projects to conduct regional assessments of the vulnerability of coastal areas of the United States to hazards associated with tsunami and other coastal hazards, including sea level rise, increases in severe weather events, and climate variability and change. Priority shall be given to collaborative partnership proposals from regionally-based multi-organizational coalitions. In preparing the regional assessments, the Administrator shall collect and compile current information on tsunami, climate change, sea level rise, natural hazards, coastal erosion and mapping, and ongoing regional efforts to address them.

(2) SCOPE.—Regional assessments under the pilot program shall include an evaluation of—

(A) the social impacts associated with threats to and potential losses of housing, communities, and infrastructure;

(B) the physical impacts such as coastal erosion, flooding and loss of estuarine habitat, saltwater intrusion of aquifers and saltwater encroachment, and species migration;

(C) the economic impact on local, State, tribal, and regional economies, including the impact on coastal infrastructure and the abundance or distribution of economically important living marine resources; and

(D) opportunities to enhance the resilience of at-risk communities, economic sectors, and natural resources.

(c) SELECTION CRITERIA.—The Administrator shall rely on the following criteria in identifying appropriate regional pilot projects:

(1) Vulnerability to tsunami, hurricanes, extreme weather, flooding, climate, and other coastal hazards.

(2) Dependence on economic sectors and natural resources that are particularly sensitive to coastal hazards.

(3) Opportunities to link and leverage related regional risk observation, research, forecasting, assessment, educational and risk management programs.

(4) Demonstration of strong, interagency collaboration in the area of risk management.

(5) Access to NOAA and other Federal agency programs, facilities, and infrastructure related to tsunami and other coastal hazards monitoring, warning, forecasting, research assessment, and data management.

(d) REGIONAL ADAPTATION PLANS.—The Administrator shall, within 3 years after the commencement of each project under subsection (b), submit to the Congress regional adaptation plans—

(1) based on the information contained in the regional assessments conducted under subsection (b);

(2) developed with the participation of other Federal agencies, State, tribal, and local government agencies, and non-governmental entities (including academia and the private sector) that will be critical in the implementation of the plan at the State, tribal, and local levels;

(3) that recommend targets and strategies to address coastal impacts associated with tsunami, climate change, sea level rise, or climate variability;

(4) that include recommendations for both short- and long-term adaptation strategies; and

(5) that include recommendations on—

(A) Federal flood insurance program modifications;

(B) areas that have been identified as high risk through mapping and assessment;

(C) enhancing the effectiveness of State coastal zone management programs in mitigating or preventing coastal risks;

(D) mitigation incentives such as rolling easements, strategic retreat, State or Federal acquisition in fee simple or other interest in land, construction standards, and zoning;

(E) land and property owner education;

(F) economic planning for small communities dependent upon affected coastal resources, including fisheries; and

(G) funding requirements and mechanisms.

(e) TECHNICAL PLANNING AND FINANCIAL ASSISTANCE.—The Administrator, through the National Ocean Service, shall establish a coordinated program—

(1) to provide technical planning assistance and financial assistance to coastal States, tribes, and local governments as they develop and implement adaptation or mitigation strategies and plans under this section; and

(2) to make products, information, tools, and technical expertise generated from the development of the regional assessment and the regional adaptation plan available to coastal States for the purposes of developing their own State, tribal, and local plans.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration—

(1) $35,000,000 for each of fiscal years 2006 through 2012 to carry out this Act (other than section 8); and

(2) $5,000,000 for each of such fiscal years to carry out section 8, of which at least $3,000,000 for each fiscal year shall be used to carry out the pilot projects authorized by section 8(b).

Mr. INOUYE. Mr. President, today I rise in support of S. 50, the Tsunami Preparedness Act, which Senator STEVENS and I introduced in January 2004, and which is now being considered by the full Senate. We are joined by 24 of our friends and colleagues as cosponsors, including Senators CANTWELL, BURNS, LAUTENBERG, SNOWE, AKAKA, MURKOWSKI, CLINTON, SMITH, MURRAY, LIEBERMAN, LANDRIEU, BILL NELSON, KERRY, CHAMBLISS, WYDEN, DAYTON, BOXER, FEINSTEIN, MIKULSKI, SARBANES, CORZINE, LOTT, GREGG, and BEN NELSON.

This bill, which the Commerce Committee unanimously approved in March, provides a scientific and technological response to minimize the threats posed by tsunami to our own shores and coastal communities around the world. While we have had limited observation and detection capabilities dating back to 1949, we must have a more robust, reliable, and well-maintained tsunami warning system. The appalling scope of the Indian Ocean tsunami of December 26, 2004 made clear the need and the urgency to develop more advanced detection capabilities.

Our legislation builds on our previous work and will establish a warning system in the Pacific that is a model for the world. It also provides for expansion and improvement to repair gaps that have been identified recently.

Protecting human life and property from natural disaster requires three components: the ability to reliably detect and forecast, the capacity to broadcast warnings in a timely and informative manner, and the capability to respond and safely evacuate coastal communities. Above all, however, it requires the willingness to invest resources to prepare for a threat that is largely unseen and unpredictable, until the last moment, when a monstrous wave actually strikes.

The people of Alaska and Hawaii have long memories and a keen awareness of the threat of tsunami. Perhaps it is because Hawaii sits in a position of terrible vulnerability in the Pacific Ocean, which is the site of 85 percent of the world's tsunami activity, and because Alaska, perched on the northern edge of the Pacific's Ring of Fire, suffers frequent tsunami-generating earthquakes. Yet we are not the only States at risk from tsunami. There is a 14 percent chance that the coast of Oregon will, within the next 50 years, see a tsunami similar in magnitude to the one that recently took so many lives in the Indian Ocean. A recent study by the University of Southern California found that undersea slumping off the California coast could generate a tsunami with the potential to take many thousands of lives and cause over $40 billion in damages.

In order to protect local communities, Hawaii established in 1949 a tsunami warning center, following a tragic Hilo tsunami. In response to the Good Friday earthquake and tsunami of 1964, which accounted for 90 percent of the deaths in the State that year, Alaska established an observatory in Palmer, AK, in 1967. Collaborations between the two centers and other partners led to a nascent capacity for predicting and warning coastal communities about potential tsunami in Alaska and Hawaii and beyond.

As we came to understand the broader threat that tsunami posed, TED STEVENS and I worked together to pass legislation in 1994 to direct the National Oceanic and Atmospheric Administration, NOAA, to develop a Tsunami Hazard Mitigation Program. We are pleased to report that the program has laid the foundation for tsunami preparedness.

Through its Pacific Marine Environmental Laboratory, PMEL, NOAA has developed Deep Ocean Assessment and Reporting of Tunami—or ''DART''—buoys, which accurately measure the subtle variations in the ocean's sea level caused by tsunami traveling over open water. With these measurements, as well as readings from coastal gauges, mathematical models can forecast tsunami direction, speed, and inundation with astonishing accuracy. Although the worldwide network of seismic sensors operated by the U.S. Geological Survey, USGS, provides excellent notice of earthquakes with the potential to generate tsunami, the DART buoys represent a next-generation approach to detection and forecasting of tsunami that will form the backbone of our domestic preparedness.

Interpreting these data and issuing warnings are Hawaii's Pacific Tsunami Warning Center, and Alaska's West Coast/Alaska Tsunami Warning Center, which jointly have the capacity to cover our domestic shores, and, at the same time, to reach out to all cooperating nations of the world.

Forecasting and warning networks, however, depend on ears who know how to respond, and so the Tsunami Hazard Mitigation Program has partnered with States and local authorities to produce inundation mapping, develop evacuation routes, and conduct tsunami education. As a result of much hard work, 15 counties along the West Coast and in Alaska and Hawaii have become national and world leaders by becoming ''tsunami ready.''

The appalling scope of the Indian Ocean tragedy illustrates the importance and necessity of our work of the past 10 years, and with stark clarity, we can see that despite our best efforts, much remains to be done. Now, as before, Senator STEVENS and I have come together to lead the charge toward national and international tsunami preparedness.

The bill formally authorizes NOAA to establish, operate, and maintain a dependable national tsunami warning system that would provide maximum tsunami detection capability for the Nation. The system would build on the model established in the Pacific, and provide for its repair, expansion and modernization by the close of calendar year 2007. The system would include four components: an expanded and upgraded detection and warning system, a Federal-State tsunami hazard mitigation program, a tsunami research program, and a modernization and upgrade program. In addition, S. 50 would direct NOAA to provide any necessary technical or other assistance to international efforts to establish regional systems in other parts of the world, including the Indian Ocean.

The detection and warning system established by the bill would cover the Pacific Ocean region, as well as the Atlantic-Caribbean-Gulf of Mexico region. The system would incorporate a variety of seismic and tsunami detection technologies, including deep ocean buoys. The system also would encompass tsunami warning centers charged with collecting and analyzing the data and distributing warnings, including the existing Pacific Tsunami Warning Center in Hawaii and the West Coast/Alaska Tsunami Warning Center in Alaska, as well as any others deemed necessary by the NOAA Administrator.

The bill formally authorizes NOAA's Tsunami Hazard Mitigation Program and its community-based tsunami hazard mitigation program to improve tsunami preparedness of at-risk areas. The bill directs a Federal-State coordinating committee for the program to work together to improve inundation mapping, community outreach and education, and promote and integrate tsunami warning and mitigation measures, including rescue and recovery

guidelines. The program would provide grants to States to ensure the program elements are implemented in coastal communities.

The bill requires NOAA to establish, along with other agencies and academic institutions, a tsunami research program to continuously improve detection, prediction, communication, and mitigation science and technology to support tsunami forecasts and warnings. This program would also focus on the potential for improved communications systems for tsunami and other hazard warnings, including telephones, wireless and satellite technology, the Internet, television and radio, and any innovative combination of these technologies.

Another critical component of the bill requires NOAA to upgrade and modernize the U.S. tsunami detection system by December 2007, and provide accountability for the long-term operation of the system. NOAA is required to repair and upgrade the system, ensuring deployment of existing deep ocean detection buoys and related detection equipment, as well as notify Congress immediately not only of any equipment or system failures that will impair regional detection, but also of significant contractor failures or delays. In addition, the bill calls for the National Academy of Sciences to review the system for further modernization recommendations.

One of the changes we made to the bill resulted from testimony at the committee's February 2, 2005, hearing, and focuses on improving warning and preparedness for all coastal hazards, not only tsunami. The bill now contains a Coastal Community Vulnerability and Adaptation program at NOAA would encourage collaboration among Federal, State, local, and regional efforts through pilot projects focusing on: No. 1, development of vulnerability maps for coastal communities to a wide array of potential hazards; No. 2, better integration of risk management with community planning; No. 3, rick management leadership training for public officials; No. 4, development of risk assessment technologies; No. 5, new data services to support the new risk management activities; and No. 6, new risk communication systems. The bill would authorize $5 million annually for fiscal year 2006–2012 for the program.

The bill also recognizes the need for global coordination on tsunami preparedness, and as such, requires NOAA, and the interagency coordinating committee of the U.S. Tsunami Hazard Mitigation Program, to provide technical assistance and advice to international entities as part of an international effort to develop a fully functional global tsunami warning system. The bill would also encourage nations to share information and funding for such activities.

Finally, the bill authorizes $35 million annually for 6 years to support tsnunami related activities. Through this legislation, the work Senator STEVENS and I started over ten years ago will step up to the next level, and provide our Nation with coverage and protection that it needs, while fulfilling our duties as citizens of the global community.

I believe that this bill will provide services of incalculable value to our Nation. The return on our investment may not happen this day or the next but it will happen. I hope that you will join me and my cosponsors in supporting enactment of the Tsunami Preparedness Act.

Mr. WYDEN. Mr. President, Oregon's 363 miles of coastline are extremely susceptible to tsunamis. Just 2 weeks ago, at 7:40 p.m. on June 14, 2005, the tsunami threat became reality for those living on or visiting the coast. A 7.0 earthquake off the coast of California triggered an automatic tsunami warning for the entire west coast of the United States. The emergency response capabilities of these communities were put to the test. Fortunately, the warning was called off at 9:09 p.m. after it was determined that the earthquake failed to produce a tsunami.

Looking back, a lot of things went right. In Oregon, in cities such as Seaside and Cannon Beach, the alarms were sounded and people evacuated. However, there is a lot more that needs to be done. Models indicate that should an offshore earthquake trigger a tsunami, coastal towns will only have between 12 and 30 minutes before the first wave hits the beach. On June 14, for many people on the coast, the information would have come too late.

I am pleased that the Tsunami Preparedness Act, S. 50, of which I am a consponsor and strong supporter, will pass the Senate by unanimous consent today. The world has recently seen how potentially devastating a tsunami can be. America needs to take steps to prepare and be ready. Oregonians are acutely aware that, at some point, a tsunami could hit the coast of the United States. This bill will give our coastal communities opportunities that weren't afforded the victims of the tragic tsunami in Southeast Asia last year. It will harness the brains and expertise of universities, like Oregon State University and Oregon Health and Science University, to improve our tsunami detection and warning system and to make available the resources necessary to adequately prepare, inform, and protect U.S. citizens.

The U.S. has the tools to establish a top-notch national tsunami warning system and hazard mitigation program. Oregon universities are leading the way in tsunami research, and the practical applications of this research must be used. Our region, and the other vulnerable areas in the Nation, will benefit from better knowledge about the tracking, forecasting, and effects of tsunami waves. I look forward to the implementation of the Tsunami Preparedness Act and to reviewing the first annual report to Congress on the status and progress of work on this issue.

The committee amendment was agreed to.

AMENDMENT NO. 1101

(Purpose: In the nature of a substitute)

The amendment (No. 1101) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 50), as amended, was read the third time, and passed.

OCEAN AND COASTAL OBSERVATION SYSTEM ACT OF 2005

The Senate proceeded to consider the bill (S. 361) to develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans, and Great Lakes, improve warnings of tsunamis, and other natural hazards, enhance homeland security, support maritime operations, and for other purposes.

AMENDMENT NO. 1102

(Purpose: To develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans and Great Lakes, improve warnings of tsunamis and other natural hazards, improve management of coastal and marine resources, and for other purposes)

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment (No. 1102) was agreed to.

The amendment (No. 1103) was agreed to, as follows:

Amend the title so as to read ''A bill to develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans and Great Lakes, improve warnings of tsunamis and other natural hazards, and for other purposes.''.

Ms. SNOWE. Mr. President, thank you for allowing the Senate to consider S. 361, the Ocean and Coastal Observation Systems Act of 2005. I must also thank my cosponsors, Senators KERRY, STEVENS, INOUYE, COLLINS, SARBANES, LAUTENBERG, LOTT, and CANTWELL. Their commitment to sound, science-based marine policy enabled us to craft this critical legislation that would do nothing less than revolutionize our understanding of the oceans.

This bill, the Ocean and Coastal Observation Systems Act of 2005, would create an integrated network of ocean monitoring systems around our Nation's coastlines, enabling comprehensive ocean data to be collected, compiled, and utilized in ways that enhance our safety, livelihoods, and overall quality of life.

Although 140 million Americans live along our Nation's 95,000 miles of coastline, most of these coastal residents would be surprised to learn how little we know about what happens at and below the sea's surface. Marine scientists strive to collect data on the biological, physical, and chemical properties of the ocean, yet many of their questions about our complex marine environment remain unanswered. Moreover, there is a tremendous and

growing need to translate data about ocean conditions into a form of information that people can use to improve their activities in and on the water—whether for marine science, resource management, and maritime transportation and safety.

Having more than 5,000 miles of shoreline, my home State of Maine has a strong heritage linked to the sea. Our coastal communities are highly dependent on the fisheries resources and other essential services provided to us by the Gulf of Maine, and for centuries our lives and livelihoods have required us to understand and adapt to ever-changing ocean conditions.

This critical need for information was the driving force behind the innovation that led to the Gulf of Maine Ocean Observing System, or GoMOOS. A partnership of marine science institutions and ocean-dependent organizations launched GoMOOS in 2001 with the deployment of ten observation buoys in the Gulf of Maine. Since then, these buoys have taken nearly continuous measurements of wind speed, wave height, temperature, fog, currents, salinity, turbidity, dissolved oxygen, and other key environmental variables. By modifying the instrumentation, scientists can gather other data from these platforms, and they can further link it to ocean information relayed by radar and satellites. GoMOOS compiles these data and makes it available to any ocean stakeholder via the internet, on a near real-time basis. Not only is this a tremendous public service to those affected by sea conditions, but it also provides a tremendous economic return—nearly $6 for every $1 invested—to the New England region.

The impact of GoMOOS in our region has been profound. Fisheries scientists and managers use this information to predict ocean conditions that affect productivity, and they are finding new ways to apply this information in resource management. Fishermen, sailors, Coast Guard search-and-rescue units, the military, and others who traverse the ocean are better able to predict safe sea conditions, and shippers can transport their goods more efficiently. Ocean scientists and regulators are better able to understand, predict, and rapidly respond to marine pollution and hazardous ocean conditions such as harmful algal blooms. Educators and students are learning more about marine science.

Of course, all States that border our Nation's oceans and Great Lakes would benefit from easy access to this kind of ocean information. Following the example of GoMOOS, more than a dozen ocean and coastal observing systems are being developed and implemented around the Nation, many in conjunction with the National Oceanic and Atmospheric Administration or NOAA, State coastal managers, universities, marine industries, and other regional partners. While these systems can provide valuable services to their region, we have found that they use different—and sometimes incompatible—methods for collecting, managing, processing, and communicating their data. When this happens, we lose the ability to develop a comprehensive assessment of coastal and ocean conditions around the Nation.

S. 361, the Ocean and Coastal Observation Systems Act of 2005, would facilitate action to correct this problem. This bill would coordinate the regional ocean and coastal observation efforts and link them at the national level under the leadership of NOAA. It would help further develop regional observation systems, link them through a nationwide network, and ensure public access to the information so that anyone, anywhere, at any time could better understand and track ocean and coastal conditions. It would authorize the National Ocean Research Leadership Council to establish an interagency program office that would plan and coordinate operational activities and budgets, as well as oversee a research and development program. Further, this bill would charge NOAA as the lead Federal agency to ensure that this national network of regional observation associations, such as GoMOOS and others under development, effectively integrate and utilize ocean data for the benefit of the American public.

As the U.S. Ocean Commission made clear in its final report issued in September 2004, ocean and coastal observations are a cornerstone of sound marine science, management, and commerce, and the potential uses of this system are nearly unlimited. As chair of the Subcommittee on Fisheries and Coast Guard and as a coastal State Senator, I am extremely proud to sponsor and support this bill. It is imperative that we in Congress facilitate the development and funding of a national, integrated, and sustained ocean observation network, and we can start by passing the bill before us. This bill, once enacted, will provide a tremendous public service along our Nation's oceans and coasts, and I thank my colleagues for supporting it.

The bill (S. 361), as amended, was read the third time, and passed, as follows:

S. 361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ocean and Coastal Observation System Act of 2005''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Ocean and coastal observations provide vital information for protecting human lives and property from marine hazards, predicting weather, improving ocean health and providing for the protection and enjoyment of the resources of the Nation's coasts, oceans, and Great Lakes.

(2) The continuing and potentially devastating threat posed by tsunamis, hurricanes, storm surges, and other marine hazards requires immediate implementation of strengthened observation and data management systems to provide timely detection, assessment, and warnings to the millions of people living in coastal regions of the United States and throughout the world.

(3) The 95,000-mile coastline of the United States, including the Great Lakes, is vital to the Nation's prosperity, contributing over $117 billion to the national economy in 2000, supporting jobs for more than 200 million Americans, and supporting commercial and sport fisheries valued at more than $50 billion annually.

(4) Responding to coastal hazards and managing fisheries and other coastal activities require improved monitoring of the Nation's waters and coastline, including the ability to provide rapid response teams with real-time environmental conditions necessary for their work.

(5) While knowledge of the ocean and coastal environment and processes is far from complete, advances in sensing technologies and scientific understanding have made possible long-term and continuous observation from shore, from space, and in situ of ocean and coastal characteristics and conditions.

(6) Many elements of an ocean and coastal observing system are in place, but require national investment, consolidation, completion, and integration at Federal, regional, State, and local levels.

(7) The Commission on Ocean Policy recommends a national commitment to a sustained and integrated ocean and coastal observing system and to coordinated research programs in order to assist the Nation and the world in understanding the oceans, improving weather forecasts, strengthening management of ocean and coastal resources, and mitigating marine hazards.

(8) In 2003, the United States led more than 50 nations in affirming the vital importance of timely, quality, long-term global observations as a basis for sound decision-making, recognizing the contribution of observation systems to meet national, regional, and global needs, and calling for strengthened cooperation and coordination in establishing a Global Earth Observation System of Systems, of which an integrated ocean and coastal observing system is an essential part.

(b) PURPOSES.—The purposes of this Act are to provide for—

(1) the planning, development, and maintenance of an integrated ocean and coastal observing system that provides the data and information to sustain and restore healthy marine and Great Lakes ecosystems and the resources they support, enable advances in scientific understanding of the oceans and the Great Lakes, and strengthen science eduation and communication;

(2) implementation of research, development, education, and outreach programs to improve understanding of the oceans and Great Lakes and achieve the full national benefits of an integrated ocean and coastal observing system;

(3) implementation of a data and information management system required by all components of an integrated ocean and coastal observing system and related research to develop early warning systems and insure usefulness of data and information for users; and

(4) establishment of a system of regional ocean, coastal, and Great Lakes observing systems to address local needs for ocean information.

SEC. 3. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term ''Council'' means the National Ocean Research Leadership Council.

(2) OBSERVING SYSTEM.—The term ''observing system'' means the integrated coastal, ocean and Great Lakes observing system to be established by the Committee under section 4(a).

(3) INTERAGENCY PROGRAM OFFICE.—The term ''interagency program office'' means the office established under section 4(d).

SEC. 4. INTEGRATED OCEAN AND COASTAL OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, acting through the Council, shall establish and maintain an integrated system of ocean and coastal observations, data communication and management, analysis, modeling, research, education, and outreach designed to provide data and information for the timely detection and prediction of changes occurring in the ocean, coastal and Great Lakes environment that impact the Nation's social, economic, and ecological systems. The observing system shall provide for long-term, continuous and quality-controlled observations of the coasts, oceans, and Great Lakes for the following purposes:

(1) Improving the health of the Nation's coasts, oceans, and Great Lakes.

(2) Protecting human lives and livelihoods from hazards such as tsunamis, hurricanes, coastal erosion, and fluctuating Great Lakes water levels.

(3) Understanding the effects of human activities and natural variability on the state of the coasts, oceans, and Great Lakes and the Nation's socioeconomic well-being.

(4) Providing for the sustainable use, protection, and enjoyment of ocean, coastal, and Great Lakes resources.

(5) Providing information that can support the eventual implementation and refinement of ecosystem-based management.

(6) Supplying critical information to marine-related businesses such as aquaculture and fisheries.

(7) Supporting research and development to ensure continuous improvement to ocean, coastal, and Great Lakes observation measurements and to enhance understanding of the Nation's ocean, coastal, and Great Lakes resources.

(b) SYSTEM ELEMENTS.—In order to fulfill the purposes of this Act, the observing system shall consist of the following program elements:

(1) A national program to fulfill national observation priorities, including the Nation's ocean contribution to the Global Earth Observation System of Systems and the Global Ocean Observing System.

(2) A network of regional associations to manage the regional ocean and coastal observing and information programs that collect, measure, and disseminate data and information products to meet regional needs.

(3) A data management and dissemination system for the timely integration and dissemination of data and information products from the national and regional systems.

(4) A research and development program conducted under the guidance of the Council.

(5) An outreach, education, and training program that augments existing programs, such as the National Sea Grant College Program, the Centers for Ocean Sciences Education Excellence program, and the National Estuarine Research Reserve Systen, to ensure the use of the data and information for improving public education and awareness of the Nation's oceans and building the technical expertise required to operate and improve the observing system.

(c) COUNCIL FUNCTIONS.—In carrying out responsibilities under this section, the Council shall—

(1) serve as the oversight body for the design and implementation of all aspects of the observing system;

(2) adopt plans, budgets, and standards that are developed and maintained by the interagency program office in consultation with the regional associations;

(3) coordinate the observing system with other earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems;

(4) coordinate and administer programs of research, development, education, and outreach to support improvements to and the operation of an integrated ocean and coastal observing system and to advance the understanding of the oceans;

(5) establish pilot projects to develop technology and methods for advancing the development of the observing system;

(6) provide, as appropriate, support for and representation on United States delegations to international meetings on ocean and coastal observing programs; and

(7) in consultation with the Secretary of State, coordinate relevant Federal activities with those of other nations.

(d) INTERAGENCY PROGRAM OFFICE.—The Council shall establish an interagency program office to be known as ''OceanUS''. The interagency program office shall be responsible for program planning and coordination of the observing system. The interagency program office shall—

(1) prepare annual and long-term plans for consideration by the Council for the design and implementation of the observing system that promote collaboration among Federal agencies and regional associations in developing the global and national observing systems, including identification and refinement of a core set of variables to be measured by all systems;

(2) coordinate the development of agency priorities and budgets for implementation of the observing system, including budgets for the regional associations;

(3) establish and refine standards and protocols for data management and communications, including quality standards, in consultation with participating Federal agencies and regional associations;

(4) develop a process for the certification of the regional associations and their periodic review and recertification;

(5) establish an external technical committee to provide biennial review of the observing system; and

(6) provide for opportunities to partner or contract with private sector companies in deploying ocean observation system elements.

(e) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall be the lead Federal agency for implementation and operation of the observing system. Based on the plans prepared by the interagency program office and adopted by the Council, the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) coordinate implementation, operation and improvement of the observing system;

(2) establish efficient and effective adininistrative procedures for allocation of funds among Federal agencies and regional associations in a timely manner and according to the budget adopted by the Council;

(3) implement and maintain appropriate elements of the observing system;

(4) provide for the migration of scientific and technological advances from research and development to operational deployment;

(5) integrate and extend existing programs and pilot projects into the operational observation system;

(6) certify regional associations that meet the requirements of subsection (f); and

(7) integrate the capabilities of the National Coastal Data Development Center and the Coastal Services Center of the National Oceanic and Atmospheric Administration, and other appropriate centers, into the observing system for the purpose of assimilating, managing, disseminating, and archiving data from regional observation systems and other observation systems.

(f) REGIONAL ASSOCIATIONS OF OCEAN AND COASTAL OBSERVING SYSTEMS.—The Administrator of the National Oceanic and Atmospheric Administration may certify one or more regional associations to be responsible for the development and operation of regional ocean and coastal observing systems to meet the information needs of user groups in the region while adhering to national standards. To be certifiable by the Administrator, a regional association shall—

(1) demonstrate an organizational structure capable of supporting and integrating all aspects of ocean and coastal observing and information programs within a region;

(2) operate under a strategic operations and business plan that details the operation and support of regional ocean and coastal observing systems pursuant to the standards established by the Council;

(3) provide information products for multiple users in the region;

(4) work with governmental entities and programs at all levels within the region to provide timely warnings and outreach to protect the public; and

(5) meet certification standards developed by the interagency program office in conjunction with the regional associations and approved by the Council.

Nothing in this Act authorizes a regional association to engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(7)).

(g) CIVIL LIABILITY.—For purposes of section 1346(b)(1) and chapter 171 of title 28, United States Code, the Suits in Admiralty Act (46 U.S.C. App. 741 et seq.), and the Public Vessels Act (46 U.S.C. App. 781 et seq.), any regional ocean and coastal observing system that is a designated part of a regional association certified under this section shall, in carrying out the purposes of this Act, be deemed to be part of the National Oceanic and Atmospheric Administration, and any employee of such system, while acting within the scope of his or her employment in carrying out such purposes, shall be deemed to be an employee of the Government.

SEC. 5. RESEARCH, DEVELOPMENT, AND EDUCATION.

The Council shall establish programs for research, development, education, and outreach for the ocean and coastal observing system, including projects under the National Oceanographic Partnership Program, consisting of the following:

(1) Basic research to advance knowledge of ocean and coastal systems and ensure continued improvement of operational products, including related infrastructure and observing technology.

(2) Focused research projects to improve understanding of the relationship between the coasts and oceans and human activities.

(3) Large scale computing resources and research to advance modeling of ocean and coastal processes.

(4) A coordinated effort to build public education and awareness of the ocean and coastal environment and functions that integrates ongoing activities such as the National Sea Grant College Program, the Centers for Ocean Sciences Education Excellence, and the National Estuarine Research Reserve System.

SEC. 6. INTERAGENCY FINANCING.

The departments and agencies represented on the Council are authorized to participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member of the Council for the

purposes of carrying out any administrative or programmatic project or activity under this Act or under the National Oceanographic Partnership Program, including support for the interagency program office, a common infrastructure, and system integration for a ocean and coastal observing system. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Council member and the costs of the same.

SEC. 7. APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.

Nothing in this Act supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration for the implementation of an integrated ocean and coastal observing system under section 4, and the research and development program under section 5, including financial assistance to the interagency program office, the regional associations for the implementation of regional ocean and coastal observing systems, and the departments and agencies represented on the Council, $150,000,000 for each of fiscal years 2006 through 2010. At least 50 percent of the sums appropriated for the implementation of the integrated ocean and coastal observing system under section 4 shall be allocated to the regional associations certified under section 4(f) for implementation of regional ocean and coastal observing systems. Sums appropriated pursuant to this section shall remain available until expended.

SEC. 9. REPORTING REQUIREMENT.

Not later than March 31, 2010, the President, acting through the Council, shall transmit to Congress a report on the programs established under sections 4 and 5. The report shall include a description of activities carried out under the programs, an evaluation of the effectiveness of the programs, and recommendations concerning reauthorization of the programs and funding levels for the programs in succeeding fiscal years.

Mr. STEVENS. Mr. President, the Committee on Commerce, Science, and transportation, which I co-chair with my good-friend Senator DANIEL INOUYE, has unanimously passed out of committee, four bills to protect our oceans and enhance the collective knowledge of the marine environment. The Senate just passed these four bills by unanimous consent, and I look forward to working with the House to get this important legislation enacted into law.

Water covers over 70 percent of the Earth's surface. It is estimated that 80 percent of life on Earth is in the oceans. The Atlantic, Pacific, and Arctic Oceans, and the Gulf of Mexico, make up the waters of the United States Exclusive Economic Zone. In fact, the Pacific Ocean alone covers nearly an entire hemisphere of the globe. But little is known about these waters.

The four bills the Senate passed today will provide greater understanding of the complex ocean environment. Together, they will increase the coordination and effectiveness of the Federal agencies that contribute to the research and management of these critical marine ecosystems.

The four bills are: S. 50, the Tsunami Preparedness Act; S. 39, the National Ocean Exploration Program Act; S. 361, the Ocean and Coastal Observation System Act of 2005; and S. 362, the Marine Debris Research, Prevention, and Reduction Act of 2005.

The Tsunami Preparedness Act is the first bill that Senator Inouye and I drafted as the new Co-chairmen of the Commerce Committee. It was developed in the wake of the devastating Indian Ocean tsunami that took lives in 11 countries and provides an expanded tsunami detection and warning system for the United States. The bill authorizes the National Oceanic and Atmospheric Administration, NOAA, to establish, operate, and maintain a dependable national tsunami warning system that would provide maximum tsunami detection capability for the Nation. The system would build on the model established in the Pacific, and provide for its repair, expansion and modernization by the close of calendar year 2007. In addition, the bill directs NOAA to provide any necessary technical support or other assistance to international efforts to establish regional tsunami detection and warning systems in other parts of the world, including the Indian Ocean.

I wrote the next bill, National Ocean Exploration Program Act, for the simple fact that very little is known about our oceans and more research and exploration is desperately needed. Approximately 95 percent of the ocean floor remains unexplored, much of it located in the polar-regions and southern ocean. We know more about the surface of the moon than the ocean floor; this bill is intended to change that. The National Ocean Exploration Program Act establishes a national program within NOAA to conduct inter-disciplinary ocean exploration voyages in partnership with other Federal agencies or academic institutions. The Act will strengthen interagency coordination on ocean exploration for the purposes of developing and facilitating the transfer of new exploration technologies, communication infrastructure, and data management systems to the Program. The bill gives priority attention to the exploration of deep ocean regions to make exciting new discoveries. In addition, it will promote the development of improved oceanographic research, communication, navigation, and data collection systems, in an effort to increase understanding of the ocean environment.

The Ocean and Coastal Observation System Act of 2005, developed by Senator SNOWE, will also contribute to our knowledge of the oceans with greater monitoring and observation of this dynamic environment. The bill will establish a national, integrated ocean and coastal observing system that will collect, compile, and make available data on ocean conditions in the U.S. Exclusive Economic Zone, including the Great Lakes. The ocean and coastal observation system will help improve weather and flood forecasting, promote understanding of climatic variability processes, enhance safety and efficiency of marine operations, facilitate research, improve management of marine and coastal ecosystems, and provide information to raise public awareness of oceans.

And finally there is the Marine Debris Research, Prevention, and Reduction Act of 2005. Authored by Senator INOUYE, this bill responds to the immediate need to prevent and reduce significantly the amount of trash that is collecting in our oceans. The bill establishes separate programs within NOAA and the Coast Guard to identify, assess, reduce and prevent marine debris and its adverse impacts on the marine environment and navigation safety. In addition the bill creates an Interagency Committee on Marine Debris to coordinate federal efforts to prevent and reduce marine debris.

I look forward to the new information and management capabilities these bills will provide. Alaska has more coastline than the rest of the country combined. The oceans are a vital part of our way of life, and we depend on sound scientific research to maintain them. These bills are important to increase our efforts to be good stewards of our oceans.

I thank my colleagues on the Commerce Committee and those in the Senate for their overwhelming support of these bills.

DISCHARGE AND REFERRAL—S. 759

Mr. MCCONNELL. I ask unanimous consent the Committee on the Judiciary be discharged from further consideration of S. 759, a bill to amend the Internal Revenue Code of 1986 to make higher education more affordable and for other purposes, and that the bill be referred to the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAINING FOR REALTIME WRITERS ACT OF 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 142, S. 268.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 268) to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Training for Realtime Writers Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) As directed by Congress in section [723] *713* of the Communications Act of 1934 (47 U.S.C. 613), as added by section 305 of the Telecommunications Act of 1996 (Public Law 104–104; 110 Stat. 126), the Federal Communications Commission adopted rules requiring closed captioning of most television programming, which gradually require new video programming to be fully captioned in English by 2006 and Spanish by 2010.

(2) More than 28,000,000 Americans, or 8 percent of the population, are considered deaf or hard of hearing, and many require captioning services to participate in mainstream activities.

(3) More than 24,000 children are born in the United States each year with some form of hearing loss.

(4) According to the Department of Health and Human Services and a study done by the National Council on Aging—

(A) 25 percent of Americans over 65 years old are hearing impaired;

(B) 33 percent of Americans over 70 years old are hearing impaired; and

(C) 41 percent of Americans over 75 years old are hearing impaired.

(5) The National Council on Aging study also found that depression in older adults may be directly related to hearing loss and disconnection with the spoken word.

(6) Empirical research demonstrates that captions improve the performance of individuals learning to read English and, according to numerous Federal agency statistics, could benefit—

(A) 3,700,000 remedial readers;

(B) 12,000,000 young children learning to read;

(C) 27,000,000 illiterate adults; and

(D) 30,000,000 people for whom English is a second language.

(7) Over the past decade, student enrollment in programs that train realtime writers and closed captioners has decreased by 50 percent, even though job placement upon graduation is 100 percent.

SEC. 3. AUTHORIZATION OF GRANT PROGRAM TO PROMOTE TRAINING AND JOB PLACEMENT OF REALTIME WRITERS.

(a) IN GENERAL.—The [National Telecommunications and Information Administration] *Secretary of Commerce* shall make competitive grants to eligible entities under subsection (b) to promote training and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers in order to meet the requirements for closed captioning of video programming set forth in section [723] *713* of the Communications Act of 1934 (47 U.S.C. 613) and the rules prescribed thereunder.

(b) ELIGIBLE ENTITIES.—For purposes of this Act, an eligible entity is a court reporting program that—

(1) can document and demonstrate to the Secretary of Commerce that it meets minimum standards of educational and financial accountability, with a curriculum capable of training realtime writers qualified to provide captioning services;

(2) is accredited by an accrediting agency recognized by the Department of Education; and

(3) is participating in student aid programs under title IV of the Higher Education Act of 1965.

(c) PRIORITY IN GRANTS.—In determining whether to make grants under this section, the Secretary of Commerce shall give a priority to eligible entities that, as determined by the Secretary of Commerce—

(1) possess the most substantial capability to increase their capacity to train realtime writers;

(2) demonstrate the most promising collaboration with local educational institutions, businesses, labor organizations, or other community groups having the potential to train or provide job placement assistance to realtime writers; or

(3) propose the most promising and innovative approaches for initiating or expanding training and job placement assistance efforts with respect to realtime writers.

(d) DURATION OF GRANT.—A grant under this section shall be for a period of two years.

(e) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided under subsection (a) to an entity eligible may not exceed $1,500,000 for the two-year period of the grant under subsection (d).

SEC. 4. APPLICATION.

(a) IN GENERAL.—To receive a grant under section 3, an eligible entity shall submit an application to the [National Telecommunications and Information Administration] *Secretary of Commerce* at such time and in such manner as the [Administration] *Secretary* may require. The application shall contain the information set forth under subsection (b).

(b) INFORMATION.—Information in the application of an eligible entity under subsection (a) for a grant under section 3 shall include the following:

(1) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.

(2) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, completion of training, and job placement and retention.

(3) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.

(4) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.

(5) A description of how the eligible entity will work with local workforce investment boards to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.

(6) Additional information, if any, of the eligibility of the eligible entity for priority in the making of grants under section 3(c).

(7) Such other information as the Administration may require.

SEC. 5. USE OF FUNDS.

(a) IN GENERAL.—An eligible entity receiving a grant under section 3 shall use the grant amount for purposes relating to the recruitment, training and assistance, and job placement of individuals, including individuals who have completed a court reporting training program, as realtime writers, including—

(1) recruitment;

(2) subject to subsection (b), the provision of scholarships;

(3) distance learning;

(4) further develop and implement both English and Spanish curriculum to more effectively train realtime writing skills, and education in the knowledge necessary for the delivery of high-quality closed captioning services;

(5) mentor students to ensure successful completion of the realtime training and provide assistance in job placement;

(6) encourage individuals with disabilities to pursue a career in realtime writing; and

(7) the employment and payment of personnel for such purposes.

(b) SCHOLARSHIPS.—

(1) AMOUNT.—The amount of a scholarship under subsection (a)(2) shall be based on the amount of need of the recipient of the scholarship for financial assistance, as detemined in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk).

(2) AGREEMENT.—Each recipient of a scholarship under subsection (a)(2) shall enter into an agreement with the [National Telecommunications and Information Administration] *Secretary of Commerce* to provide realtime writing services for a period of time (as determined by the [Administration)] *Secretary)* that is appropriate (as so determined) for the amount of the scholarship received.

(3) COURSEWORK AND EMPLOYMENT.—The [Administration *Secretary* shall establish requirements for coursework and employment for recipients of scholarships under subsection (a)(2), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and [employment.] *employment or other material terms under subsection (b)(2).* Requirements for repayment of scholarship amounts shall take into account the effect of economic conditions on the capacity of scholarship recipients to find work as realtime writers.

(c) ADMINISTRATIVE COSTS.—The recipient of a grant under section 3 may not use more than 5 percent of the grant amount to pay administrative costs associated with activities funded by the grant. *The Secretary shall use no more than 5 percent of the amount available for grants under this Act in any fiscal year for administrative costs of the program.*

(d) SUPPLEMENT NOT SUPPLANT.—Grant amounts under this Act shall supplement and not supplant other Federal or non-Federal funds of the grant recipient for purposes of promoting the training and placement of individuals as realtime writers.

SEC. 6. REPORTS.

(a) ANNUAL REPORTS.—Each eligible entity receiving a grant under section 3 shall submit to the [National Telecommunications and Information Administration,] *Secretary of Commerce,* at the end of each year of the grant period, a report on the activities of such entity with respect to the use of grant amounts during such year.

(b) REPORT INFORMATION.—

(1) IN GENERAL.—Each report of an entity for a year under subsection (a) shall include a description of the use of grant amounts by the entity during such year, including an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers. The assessment shall utilize the performance measures submitted by the entity in the application for the grant under section 4(b).

(2) FINAL REPORT.—The final report of an entity on a grant under subsection (a) shall include a description of the best practices identified by the entity as a result of the grant for increasing the number of individuals who are trained, employed, and retained in employment as realtime writers.

(c) ANNUAL REVIEW.—The Inspector General of the Department of Commerce shall conduct an annual review of the management, efficiency, and effectiveness of the grants made under this Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated to carry out this Act, amounts as follows:

[(1) $20,000,000 for each of fiscal years 2006, 2007, and 2008.

[(2) Such sums as may be necessary for fiscal year 2009.]

There are authorized to be appropriated to the Secretary of Commerce to carry out this Act $20,000,000 for each of fiscal years 2006, 2007, 2008, and 2009.

SEC. 8. SUNSET.

This Act is repealed effective October 1, 2009.

Mr. MCCONNELL. I ask unanimous consent the committee amendments be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 268) was read the third time and passed.

MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY OPPORTUNITY ACT OF 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 143, S. 432.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 432) to establish a digital and wireless network technology program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALLEN. Mr. President, today I rise to respectfully urge my colleagues to support S. 432, the Minority Serving Institution Digital & Wireless Technology Opportunity Act of 2003. This legislation will provide vital resources to address the technology gap that exists at many minority serving institutions, MSIs. It establishes a new grant program within the National Science Foundation, NSF, that provides annually for 5 years up to $250 million to help historically black colleges and universities, Hispanic serving institutions, and tribal colleges to close what I often referred to as the ''digital divide'', but is more like an ''economic opportunity divide.''

Since before I was elected to the Senate, my goal has always been to look for ways to improve education and empower all of our young people—regardless of their race, ethnicity, religion or economic background—to compete and succeed in life.

Additionally, I have always been one who embraces innovations and advances in technology—especially as a means to provide greater opportunities or security for Americans.

In my view, increasing access to technology provides our young people with an important tool for success both in the classroom and in the workforce.

We all know, the best jobs in the future will go to those who are the best prepared. However, I am increasingly concerned that when it comes to high technology jobs—which pay higher wages—this country runs the risk of economically limiting many college students in our society. It is important for all Americans that we close this economic opportunity gap.

This Nation's economic stability and growth are increasingly dependent on a growing portion of the workforce possessing technological skills.

African Americans, Hispanics and Native Americans constitute one-quarter of the total U.S. workforce. Approximately one-third of all students of color in this Nation are educated at minority serving institutions. It is estimated that in 10 years minorities will comprise nearly 40 percent of all college-age Americans.

Yet, members of these minorities represent only 7 percent of the U.S. computer and information science workforce; 6 percent of the engineering workforce; and less than 2 percent of the computer science faculty.

U.S. information technology companies are increasingly relying on foreign workers to fill important IT positions. I am not against legal immigration, but I say let's properly educate and train Americans to get and fill those good-paying technology jobs. Let's make sure all American students are prepared to meet the requirements on the 21st century workforce.

However, minority serving institutions still lack desired information and digital technology infrastructure. A study completed by the Department of Commerce and the National Association for Equal Opportunity in Higher Education indicated that:

No historically black college or university, HBCUs, requires computer ownership for their undergraduate students;

Thirteen HBCUs reported to have no students—not one—owning their own personal computer;

Over 70 percent of the students at HBCUs rely on the universities to provide computers, however only 50 percent of those universities can provide their students access to computers in computer laboratories, libraries, classrooms or other locations; and

Most of these minority serving colleges do not have the private foundation resources to provide financial support to upgrade their network infrastructure.

So it is not surprising that most HBCUs do not have high-speed Internet access especially the desired ATM or asynchronous transfer mode technology and that only 3 percent of HBCUs have financial aid available to help students close the computer ownership gap.

Access to the Internet is no longer a luxury, it is a necessity. Because of the rapid advancement and growing dependence on technology, being technologically proficient has become more essential to educational advancement.

The fact is 60 percent of all jobs require information technology skills. And jobs in information technology pay significantly higher salaries than jobs in non-information technology fields. Thus, students who lack access to these information technology tools are at an increasing disadvantage. Consequently, it is vitally important that all institutions of higher education provide their students with access to the most current IT and digital equipment.

This technology program will allow eligible HBCUs, HSIs and tribal institutions the opportunity to acquire equipment, networking capability, hardware and software, digital network technology and wireless technology and infrastructure—such as wireless fidelity or Wi-Fi—to develop and provide educational services. Additionally, the funds in this bill could be used to offer students much needed universal access to campus networks, dramatically increasing their connectivity rates or make necessary infrastructure improvements.

There are over 200 Hispanic serving institutions; over 100 historically black colleges and universities and 34 tribal colleges throughout our country.

It is clear that minority serving institutions in the U.S. are providing a valuable service to the educational strength and future growth of our Nation. These institutions must upgrade their technology capabilities for their students. We cannot leave any college student behind!

I am proud to say Virginia is home to five HBCUs—Norfolk State University, St. Paul's College, Virginia Union University, Hampton University and Virginia State University.

I will continue to look for ways to: (1) improve education; (2) create new jobs; and (3) seek out new opportunities to benefit the people of Virginia and America. By improving technology-education programs in minority serving institutions, we can accomplish all three of these goals for students throughout our Nation.

We all recognize the technology requirements on the 21st century workforce call for tangible action, not rhetoric. Our future economic and national security needs depend on and demand all of our young students have the highly technical skills needed to compete and succeed in the workforce.

We must tap the underutilized talent of our minority serving institutions to ensure that America's workforce is prepared to lead the world.

I thank my colleagues for joining me today: Senators MCCAIN, WARNER, BURNS, GRAHAM, HUTCHISON, LINCOLN, PRYOR, TALENT, CORNYN, GRASSLEY, LAUTENBERG, LOTT, MURKOWSKI, SANTORUM, and THUNE.

This legislation is a significant, constructive, and positive action to ensure that many more of our college students are provided access to better technology and education, and most importantly, even greater opportunities in life.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the

table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 432) was read the third time and passed, as follows:

S. 432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2005''.

SEC. 2. ESTABLISHMENT OF OFFICE.

(a) IN GENERAL.—There is established within the National Science Foundation an Office of Minority Serving Institution Digital and Wireless Technology to carry out the provisions of this Act.

(b) PURPOSE.—The Office shall—

(1) strengthen the ability of eligible institutions to provide capacity for instruction in digital and wireless network technologies by providing grants to, or executing contracts or cooperative agreements with, those institutions to provide such instruction; and

(2) strengthen the national digital and wireless infrastructure by increasing national investment in telecommunications and technology infrastructure at eligible institutions.

SEC. 3. ACTIVITIES SUPPORTED.

An eligible institution shall use a grant, contract, or cooperative agreement awarded under this Act—

(1) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure;

(2) to develop and provide educational services, including faculty development, related to science, mathematics, engineering, or technology;

(3) to provide teacher education, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or instructional process;

(4) to implement joint projects and consortia to provide education regarding technology in the classroom with a State or State education agency, local education agency, community-based organization, national non-profit organization, or business, including minority businesses;

(5) to provide professional development in science, mathematics, engineering, or technology to administrators and faculty of eligible institutions with institutional responsibility for technology education;

(6) to provide capacity-building technical assistance to eligible institutions through remote technical support, technical assistance workshops, distance learning, new technologies, and other technological applications;

(7) to foster the use of information communications technology to increase scientific, mathematical, engineering, and technology instruction and research; and

(8) to develop proposals to be submitted under this Act and to develop strategic plans for information technology investments.

SEC. 4. APPLICATION AND REVIEW PROCEDURE.

(a) IN GENERAL.—To be eligible to receive a grant, contract, or cooperative agreement under this Act, an eligible institution shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. The Director, in consultation with the advisory council established under subsection (b), shall establish a procedure by which to accept and review such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

(b) ADVISORY COUNCIL.—The Director shall establish an advisory council to advise the Director on the best approaches for involving eligible institutions in the activities described in section 3, and for reviewing and evaluating proposals submitted to the program. In selecting the members of the advisory council, the Director may consult with representatives of appropriate organizations, including representatives of eligible institutions, to ensure that the membership of the advisory council reflects participation by technology and telecommunications institutions, minority businesses, eligible institution communities, Federal agency personnel, and other individuals who are knowledgeable about eligible institutions and technology issues. Any panel assembled to review a proposal submitted to the program shall include members from minority serving institutions. Program review criteria shall include consideration of—

(1) demonstrated need for assistance under this Act; and

(2) diversity among the types of institutions receiving assistance under this Act.

(c) DATA COLLECTION.—An eligible institution that receives a grant, contract, or cooperative agreement under section 2 shall provide the Office with any relevant institutional statistical or demographic data requested by the Office.

(d) INFORMATION DISSEMINATION.—The Director shall convene an annual meeting of eligible institutions receiving grants, contracts, or cooperative agreements under section 2 for the purposes of—

(1) fostering collaboration and capacity-building activities among eligible institutions; and

(2) disseminating information and ideas generated by such meetings.

SEC. 5. MATCHING REQUIREMENT.

The Director may not award a grant, contract, or cooperative agreement to an eligible institution under this Act unless such institution agrees that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant, contract, or cooperative agreement was awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to 25 percent of the amount of the grant, contract, or cooperative agreement awarded by the Director, or $500,000, whichever is the lesser amount. The Director shall waive the matching requirement for any institution or consortium with no endowment, or an endowment that has a current dollar value lower than $50,000,000.

SEC. 6. LIMITATIONS.

(a) IN GENERAL.—An eligible institution that receives a grant, contract, or cooperative agreement under this Act that exceeds $2,500,000, shall not be eligible to receive another grant, contract, or cooperative agreement under this Act until every other eligible institution that has applied for a grant, contract, or cooperative agreement under this Act has received such a grant, contract, or cooperative.

(b) AWARDS ADMINISTERED BY ELIGIBLE INSTITUTION.—Each grant, contract, or cooperative agreement awarded under this Act shall be made to, and administered by, an eligible institution, even when it is awarded for the implementation of a consortium or joint project.

SEC. 7. ANNUAL REPORT AND EVALUATION.

(a) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each institution that receives a grant, contract, or cooperative agreement under this Act shall provide an annual report to the Director on its use of the grant, contract, or cooperative agreement.

(b) EVALUATION BY DIRECTOR.—The Director, in consultation with the Secretary of Education, shall—

(1) review the reports provided under subsection (a) each year; and

(2) evaluate the program authorized by section 3 on the basis of those reports every 2 years.

(c) CONTENTS OF EVALUATION.—The Director, in the evaluation, shall describe the activities undertaken by those institutions and shall assess the short-range and long-range impact of activities carried out under the grant, contract, or cooperative agreement on the students, faculty, and staff of the institutions.

(d) REPORT TO CONGRESS.—The Director shall submit a report to the Congress based on the evaluation. In the report, the Director shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program, as may be appropriate.

SEC. 8. DEFINITIONS.

In this Act:

(1) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means an institution that is—

(A) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2));

(B) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

(C) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

(D) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

(E) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

(F) an institution determined by the Director, in consultation with the Secretary of Education, to have enrolled a substantial number of minority, low-income students during the previous academic year who received assistance under subpart I of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) for that year.

(2) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(3) MINORITY BUSINESS.—The term ''minority business'' includes HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director of the National Science Foundation $250,000,000 for each of the fiscal years 2006 through 2010 to carry out this Act.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order of April 7, 2005, with respect to S. 295 be amended so that the Senate proceed to S. 295 no later than the end of the first session of the 109th Congress, with all other provisions of the agreement remaining constant.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. To reiterate the comments of April 7, the proponents of this legislation have agreed they will

withhold offering amendments in committee or on the Senate floor on the subject matter for the duration of this session of Congress as part of the understanding. That, of course, is related to the Chinese currency issue.

APPOINTMENT CORRECTION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the February 17, 2005, appointment of Senator KYL as majority cochair of the Senate National Security Working Group for the 109th Congress be vitiated with respect to his being cochair but that he remain on the commission as a member.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNING AUTHORIZATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader, majority whip, and senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS AUTHORIZATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES SANDRA DAY O'CONNOR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 191, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will please report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 191) honoring Associate Justice of the Supreme Court of the United States Sandra Day O'Connor.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 191) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 191

Whereas, for nearly a quarter century, Justice Sandra Day O'Connor honorably served as a fair and impartial Justice on the Supreme Court of the United States;

Whereas Sandra Day O'Connor, the daughter of Harry and Ada Mae, was born in El Paso, Texas, and was raised by her family on a cattle ranch in southeastern Arizona;

Whereas Sandra Day O'Connor began an academic journey at Stanford University, earning a bachelor's degree in economics and graduating magna cum laude;

Whereas Sandra Day O'Connor continued her education at Stanford University, by enrolling in the Stanford Law School, where she served on the Board of Editors of the law review;

Whereas, graduating in just 2 years from Stanford Law School, Sandra Day O'Connor managed to finish third in an impressive class, which included her future Supreme Court of the United States colleague Chief Justice William H. Rehnquist;

Whereas Sandra Day O'Connor married her great love, John Jay O'Connor III, in 1952;

Whereas Sandra Day O'Connor began a legal career as the Deputy County Attorney of San Mateo, California;

Whereas, when John Jay O'Connor III was drafted into the JAG Corps in 1953, the young couple moved to Frankfurt, Germany, where Sandra Day O'Connor worked as a civilian attorney for Quartermaster Market Center;

Whereas, after 4 years in Europe, Sandra Day O'Connor returned to Maryvale, Arizona, where she began a legal practice and raised 3 sons, Scott, Brian, and Jay;

Whereas in 1965, Sandra Day O'Connor began service in State government as the Assistant Attorney General for Arizona;

Whereas Sandra Day O'Connor was later appointed to the Arizona State Senate and then re-elected twice more by the people of Arizona;

Whereas Sandra Day O'Connor served as majority leader of the Arizona State Senate, and was the first woman to hold such an office in any State;

Whereas in 1975, Sandra Day O'Connor was elected Judge of Maricopa County Superior Court and served in such capacity until 1979;

Whereas President Ronald Reagan appointed Sandra Day O'Connor to serve as Associate Justice of the Supreme Court of the United States;

Whereas, on September 21, 1981, the Senate unanimously confirmed the nomination of Sandra Day O'Connor to the Supreme Court of the United States, and she became the first female Justice in the Court's history;

Whereas, since September 25th, 1981, Justice Sandra Day O'Connor has served with distinction on the Supreme Court of the United States;

Whereas Sandra Day O'Connor has served as an example to all the people of the United States, demonstrating that through persistence and hard work anything is possible;

Whereas, throughout her tenure on the Supreme Court of the United States, Sandra Day O'Connor has not lost sight of her values and has not wavered from her well-grounded views;

Whereas President Ronald Reagan, on the date he appointed Sandra Day O'Connor to the Supreme Court of the United States, said, ''[s]he is truly a 'person for all seasons', possessing those unique qualities of temperament, fairness, intellectual capacity and devotion to the public good which have characterized the 101 'brethren' who have preceded her'';

Whereas now, more than 23 years later, the comments President Reagan made about Sandra Day O'Connor still ring true;

Whereas when Sandra Day O'Connor took the oath of office as Associate Justice, she pledged to uphold the Constitution, and has since then proven a steadfast commitment to the rule of law;

Whereas the wisdom, intellect, respect for others, and humility of Sandra Day O'Connor have allowed her to become well-respected among her colleagues, including those with opposing judicial philosophies;

Whereas Sandra Day O'Connor is an independent thinker and has made great contributions in many substantive areas of the law;

Whereas Sandra Day O'Connor embodies the ideal qualities of a judge, including fairness, impartiality, and open-mindedness;

Whereas, a true public servant, Sandra Day O'Connor has proudly served the United States for 4 decades as an Arizona State Senator and majority leader, State court judge, an Assistant Attorney General for Arizona, and for more than 23 years as an Associate Justice on the Supreme Court of the United States;

Whereas through her experiences, Justice Sandra Day O'Connor has brought a unique perspective and understanding of checks and balances to the Supreme Court of the United States; and

Whereas, Sandra Day O'Connor, a brilliant jurist and a compassionate woman, has earned a place in history as the first woman to serve on the Supreme Court of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Associate Justice of the Supreme Court of the United States Sandra Day O'Connor as a great American, a lifelong public servant, a brilliant legal scholar, a superb jurist, and the first woman ever to serve as an Associate Justice on the Supreme Court of the United States; and

(2) pays tribute to Sandra Day O'Connor, Associate Justice of the Supreme Court of the United States, for 4 decades of distinguished service to the nation.

ORDERS FOR MONDAY, JULY 11, 2005

Mr. MCCONNELL. Now, in closing, Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 1 p.m. on Monday, July 11. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each; provided further that at 2 p.m. the Senate begin consideration of the Homeland Security appropriations bill as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. So, Mr. President, for the information of all our colleagues, we will return for business on Monday, July 11, following the Fourth of July recess. Upon our return, we will

begin to work on the Homeland Security appropriations measure. The majority leader has announced that we will be voting that day and, therefore, Senators can expect the next rollcall vote at approximately 5:30 on Monday, July 11. We expect Senators to be available on that day to call up their amendments to the Homeland Security bill, and the 5:30 vote will likely be in relation to one of those amendments.

I wish everyone a safe Fourth of July recess. And we look forward to seeing everyone back here on July 11.

ADJOURNMENT UNTIL MONDAY, JULY 11, 2005, AT 1 P.M.

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, pursuant to the provisions of H. Con. Res. 198.

There being no objection, the Senate, at 2:39 p.m., adjourned until Monday, July 11, 2005, at 1 p.m.

DISCHARGED NOMINATION

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nomination and the nomination was confirmed:

RICHARD A. RAYMOND, OF NEBRASKA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD SAFETY.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, July 1, 2005:

DEPARTMENT OF AGRICULTURE

RICHARD A. RAYMOND, OF NEBRASKA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD SAFETY.

DEPARTMENT OF JUSTICE

JAMES B. LETTEN, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

ROD J. ROSENSTEIN, OF MARYLAND, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MARYLAND FOR THE TERM OF FOUR YEARS.